Washington, Friday, May 15, 1953

TITLE 5—ADMINISTRATIVE **PERSONNEL**

Chapter III—Foreign and Territorial Compensation

Subchapter B-The Secretary of State [Dept. Reg. 108.185]

PART 325-ADDITIONAL COMPENSATION IN FOREIGN AREAS

MAY 8, 1953.

Effective the beginning of the first pay period following June 6, 1953, Part 325, Title 5 of the Code of Federal Regulations is amended by the revocation of §§ 325.1 to 325.10, inclusive, and by establishment of the following sections in lieu thereof:

§ 325.1 Definitions. As used in this part the following have the meanings indicated:

(a) "Differential" covers both the "foreign post differential" established in Part I of Executive Order 10000 of September 16, 1948, and the "additional compensation" prescribed for "Foreign Service differential posts" in Part IV of the same Executive order. It means the additional compensation over base salary payable to eligible personnel at differential posts or in differential areas.

(b) "Agency" means any Executive department, independent board, bureau, commission, establishment, or other agency of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States. "Head of agency" means either the head of an agency or anyone designated by him to make determinations on his behalf.

(c) "Foreign areas" means all areas not included in the continental United States and the territories and possessions of the United States.

(d) "Territories and possessions of the United States" means Alaska, Hawaii, the Commonwealth of Puerto Rico, the possessions of the United States including Canton and Enderbury Islands in the Phoenix Group; and also the Trust Territory of the Pacific Islands and the Panama Canal Zone.

(e) "United States" includes the areas enumerated in paragraph (d) of this section. "Continental United States" means the States and the District of Columbia.

(f) "Basic compensation" means the rate of compensation fixed by law for the position held by an individual, before any deduction is made and exclusive of additional compensation of any kind, such as overtime pay, extra pay for work on holidays, differentials and allowances.

(g) "On detail" means one or the

other of the following:

(1) The temporary assignment or temporary duty of an employee away from his permanent station not classified for differential to a post or area which is so classified, or away from his permanent station which is classified for differential to a post or area classified at a higher rate, when the head of agency shall have determined by ap-propriate personnel documentation that the contemplated duration of the temporary assignment or temporary duty is for a substantial period of time estimated at not less than sixty calendar days, or that its actual duration was sixty calendar days or more.

(2) The temporary assignment or temporary duty of an employee away from his permanent station which is classified for differential to a post or area which is not classified, or classified at the same or a lower rate, for a period of more than fourteen consecutive calendar days counted from date of arrival at such

post or area.

(h) "Assigned" or "on assignment" to a post means officially occupying a posttion located at the post, geographically and organizationally, and having official headquarters at the post for travel and other administrative purposes.
(i) "Differential post" and "differen-

tial area" means a post or area so designated by the Secretary of State and

classified in § 325.11.

(j) "Contract" means a legally binding document specifying, for an employee whose rate of basic compensation is fixed by statute, the compensation to be paid during his employment outside the continental United States. An employment agreement which does not include terms controlling payment of compensation due to service outside the continental United States is not a contract as here defined.

(k) "Separation" means separation from employment for whatever reason. including resignation, retirement, death, or action taken on the initiative of the employing agency.

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§ 325.2 Requirement on agencies to pay differentials. Subject to Executive Orders 10000 and 10261 and to the regulations of this part, every agency of the United States Government operating in foreign areas shall pay a differential fixed under § 325.11 to each of its employees eligible to receive such differential under § 325.3.

§ 325.3 Persons eligible. With the exceptions contained in § 325.4, an employee shall be eligible for a differential if he is a civilian citizen or national of the United States whose basic compensation is fixed by statute and if the employing agency has determined that he is in a foreign area because of his employment by the United States Government. The list of eligible persons includes, but is not necessarily limited to, the following groups:

(a) Those recruited or transferred from the United States.

(b) Those transferred to the area from another foreign area under Government orders.

(c) Those recruited locally who are not normally resident in the area and whose presence there at the time of recruitment is owing to one of the following reasons:

(1) Temporary absence from residence in the United States for travel or study.

(2) Military service of the United States.

(3) Employment by other Federal agencies, United States firms, interests or organizations, international organizations in which the United States Government participates, or foreign governments, provided they were originally recruited from the United States and their conditions of employment provide for their return transportation to the United States.

(d) Those serving at differential posts or in differential areas on detail as defined in § 325.1 (g)

§ 325.4 Persons excluded. (a) Pursuant to section 443 of the Foreign Service Act of 1946 and section 401, Part IV of Executive Order 10000, as amended, Foreign Service Officers or Foreign Service Reserve Officers may not be paid differentials.

(b) The spouse of a person employed, stationed or resident in the area shall not be eligible to receive a differential when the agency concerned determines that the spouse's presence there is primarily in order to be with such individual and not for the convenience of the Government.

(c) Any other provisions of this part to the contrary notwithstanding, any person who would otherwise be eligible to receive a differential under this part

shall, if he is serving under contract as defined in § 325.1 (j), be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive a differential.

§ 325.5 Payment of differential. The sollowing shall govern the payment of differential under the regulations in this part:

(a) Payment to eligible persons assigned to a differential post shall begin as of the date of arrival at the post, the date of entrance on duty in the case of eligible personnel appointed locally, or the date of assignment, whichever is latest. Payment shall cease, in the case of separation, as of the close of business on the day of departure from the post or on the last day of employment, whichever is earlier. Payment shall cease, in the case of transfer or detail, as of the close of business:

(1) On the day of departure from the post when the employee is under transfer, whether combined with or unrelated to leave orders.

(2) On the day of departure from the post when the employee leaves on detail as defined in § 325.1 (g) (1).

(3) On the day preceding arrival at the post or area of detail when the employee is away on detail as defined in § 325.1 (g) (2)

(b) Payment for detail as defined in § 325.1 (g) shall be made at the rate established for the differential post or area of detail from the date of arrival to the close of business on the date of departure or the date differential is terminated under other provisions of this part; except that, in the case of detail as defined in § 325.1 (g) (1) payment shall not be made in the absence of the required personnel documentation.

(c) Payment during leave, at the rate currently authorized to the employee for the post of assignment or post or area of detail, shall continue:

(1) During leave with pay, unrelated to transfer orders, including transit time for such leave, except as otherwise provided in § 325.5 (d) (2)

vided in § 325.5 (d) (2)
(2) Through the last day of leave, when the employee is transferred while on leave; except that the differential shall cease as of the day when, prior to the expiration of leave, he begins travel to the new assignment (either foreign or in the United States) or on the day he enters upon duty if he is already at the post:

(d) Payment during round-trip official travel shall continue:

(1) At the rate currently authorized to the employee for the post of assignment, except for interim periods of detail as defined in § 325.1 (g) and transit time involved in detail as defined in § 325.1 (g) (2),

(2) At the rate currently authorized to the employee for the post or area of detail, except for any stopover in excess of fourteen consecutive calendar days at an unclassified post or area, or a post or area classified for differential at a rate the same as or lower than that of the post or area of detail. In the case of such stopover the differential, if any, of the stopover post or area shall be pay-

able from the date of arrival until travel is resumed or the differential is terminated under other provisions of this part.

(e) In emergency evacuation where personnel are removed from a post of assignment or a post or area of detail without being separated, transferred, or detailed elsewhere, payment at the rate currently authorized to the employee for the post of assignment or the post or area of detail shall continue up to one of the following dates, whichever is earliest: The date of subsequent separation or transfer; the date such dif-ferential payment ends pursuant to subsequent detail as defined in section 115-g; the date of arrival at place of residence, or agency headquarters in the United States: or sixty days from departure from such post or area, unless an extension is approved by the head of agency.

(f) No payment shall be made:

(1) While basic compensation is not paid:

(2) Concurrently with the territorial post differential prescribed in § 350.10 of this chapter.

(g) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which basic compensation is received.

§ 325.6 Exclusion of differential from basic compensation. Differential shall not be included in the compensation base used in computing overtime pay, night-pay differential, extra pay for work on holidays, allowances, or retirement deductions.

§ 325.7 Differential subject to income tax. Differential is income for tax purposes and shall be included in total compensation for computation of withholding tax.

§ 325.8 Effect on periodic pay increases. The addition of differential to basic compensation shall not be construed as an "equivalent increase in compensation" for purposes of periodic within-grade salary advancements under the Classification Act of 1949 as amended.

§ 325.9 Reports to be submitted by In determining differential agencies. classifications, the Department of State will use as its chief source of information completed Forms DSP-36, Foreign Post Differential Questionnaire, and will prescribe differential classifications in § 325.11. The determinations will be based on the existence of extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions affecting the majority of personnel at the post or in the area. Living costs are not included in the basis for differentials. Forms DSP-36 and other reports shall be submitted by agencies to the Allowances Staff, Department of State, in accordance with the following requirements:

(a) The agency with personnel first arriving at a post or in an area where there is no post of assignment shall be responsible for submitting Form DSP-36 as soon as possible after establishment of the post or arrival of personnel in an area where there is no post of assign-

ment, if the agency believes that its personnel may be eligible for a differential. Other agencies with personnel subsequently arriving at the post or in the area shall be responsible for examining a copy of the completed Form DSP-36 and submitting either a statement that information in the completed form applies equally to them or a report giving information with respect to those environmental factors, such as housing and sanitation, which affect them differently. Such information, if extensive, shall be furnished in a new Form DSP-36; if brief, it may be furnished in an informal report which shall state also the number of personnel eligible for a differential.

(b) When an agency, prior to assigning or detailing personnel to a foreign post or area, desires a determination as to whether a differential is warranted, it may submit a Form DSP-36 prior to the arrival of the regularly assigned or detailed staff. If the Department of State establishes a tentative differential on the basis of such report, the agency shall submit a definitive report within six months after arrival of its personnel at the post or in the area in accordance with \$325.10 (c)

(c) At least annually, the agency with the largest number of eligible personnel at each post or in each area shall review a copy of the most recent, completed Form DSP-36 in consultation with other affected agencies and shall submit either (1) an informal report stating that there have been no substantial changes in conditions or (2) an informal report or new Form DSP-36 indicating whatever changes may have occurred. If a new Form DSP-36 is submitted, only those sections of it necessary to show the changes shall be completed.

(d) Form DSP-36 shall be completed to reflect conditions as they apply to the majority of eligible personnel at each post or in each area.

§ 325.10 Future revisions. The Department of State will review the conditions at differential posts or areas at least once annually, or more often as circumstances require, and will amend § 325.11 as it becomes necessary.

(Secs. 102, 402, Parts I, IV, E. O. 10000, Sept. 16, 1948, 13 F. R. 5455; 3 CFR, 1948 Supp., as amended by sec. 402, Part IV, E. O. 10261, June 27, 1951, 16 F. R. 6271; 3 CFR, 1951 Supp.)

For the Secretary of State.

DONOLD B. LOURIE,.
Under Secretary for Administration.

[F. R. Doc. 53-4311; Filed, May 14, 1953; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5536]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RADIO TRAINING ASSOCIATION OF AMERICA ET AL.

Subpart—Advertising falsely or misleadingly: § 3.15 Business status, advan-

tages, or connections—Connections or Arrangements With Others; § 3.15 Business status, advantages, or connections—Individual or private business as Educational, Religious or Research Institution: § 3.55 Demand or business opportunities; § 3.110 Indorsements, approval and testimonials; § 3.115 Jobs and employment service; § 3.135 Nature—Product or Service; § 3.170 Qualities or properties of product or service; § 3.260 Terms and conditions. Subpart-Claiming or using indorsements or testimonials falsely or misleadingly: § 3.330 Claiming or using indorsements or testimonials falsely or misleadingly. Subpart-Offering unfair improper and deceptive inducements to purchase or deal. § 3.1995 Job guarantee and employment; § 3.2015 Opportunity in product or service; § 3.2080 Terms and conditions. Subpart—Using misleading § 3.2370 Connections name—Vendor· and arrangements with others: § 3.2410 Individual or private business being educational, religious or research institution or organization. In connection with the offering for sale, sale or distribution in commerce, of a course of instruction for home study in the fields of radio or television. (1) advertising or representing. directly or by implication, (a) that one completing said course in radio and television is assured of proper preparation and ample training for a successful future career as a technician in said fields of science; (b) that said course embraces all practical training necessary for success in said fields of science; (c) that persons who complete said course are qualified thereby to hold high-salaried positions in the radio or television industry. (d) that laboratory or shop equipment is available for the use of purchasers of said course; (e) that any purchaser of said course will receive anything of value other than a home study course of instruction; or, (f) that said course is endorsed by or that respondents' business has any connection with any of the members of the radio or television industry or, (2) using the word "Association." or any other word or words of similar meaning, as a part of the trade or corporate name under which the respondents conduct their business; or otherwise representing, directly or by implication, that respondents' business is anything other than a commercial business venture operated for profit; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Radio Training Association of America et al., Los Angeles, California, Docket 5536, February 11, 1953]

In the Matter of Radio Training Association of America, a Corporation, and Benjamin M. Klekner Earl L. Kemp, Paul H. Thomsen, and I. O'Connor Individually and as Officers of the Radio Training Association of America

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondents' answer thereto, testimony and other evidence, including a stipulation of facts entered into by and between counsel for respondents and counsel in

support of the complaint, introduced before a hearing examiner of the Commission theretofore duly designated by it. recommended decision of the hearing examiner, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested), and the Commission, after having made its findings as to the facts and its conclusion that the respondents Radio-Television Training School (formerly named Radio Training Association of America), a corporation, and Benjamin M. Klekner. individually, have violated the provisions of the Federal Trade Commission Act, having on December 5, 1951, issued and subsequently served upon the respondents said findings as to the facts, conclusion, and its order to cease and desist;

This proceeding having been reopened and additional evidence having been received to assist the Commission in its consideration of respondent corporation's petition to modify said order to cease and desist, and the Commission, after reconsideration of this matter on the basis of the present record, having made its modified findings as to the facts, and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Radio-Television Training School, a corporation, and its officers, agents, representatives and employees, and Benjamin M. Klekner, an individual, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of instruction for home study in the fields of radio or television, do forthwith cease and desist from:

1. Advertising or representing, directly or by implication:

(a) That one completing said course in radio and television is assured of proper preparation and ample training for a successful future career as a technician in said fields of science.

(b) That said course embraces all practical training necessary for success in said fields of science.

(c) That persons who complete said course are qualified thereby to hold high-salaried positions in the radio or television industry.

(d) That laboratory or shop equipment is available for the use of purchasers of said course.

(e) That any purchaser of said course will receive anything of value other than a home study course of instruction.

(f) That said course is endorsed by or that respondents' business has any connection with any of the members of the radio or television industry.

2. Using the word "Association", or any other word or words of similar meaning, as a part of the trade or corporate name under which the respondents conduct their business; or otherwise representing, directly or by implication, that respondents' business

¹ Filed as part of original document.

is anything other than a commercial business venture operated for profit.

It is further ordered, That the complaint herein be, and it hereby is dismissed as to respondents Earl L. Kemp, Paul H. Thomsen and I. O'Connor, without prejudice, however, to the right of the Commission to issue a new complaint or take such further or other action against such respondents at any time in the future as may be warranted by the then existing circumstances.

It is further ordered, That the respondents Radio-Television Training School, a corporation, and Benjamin M. Klekner, an individual, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: February 11, 1953.

[SEAL]

D. C. DANIEL, Secretary.

[F. R. Doc. 53-4313; Filed, May 14, 1953; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

MISCELLANEOUS AMENDMENTS

EDITORIAL NOTE: In Federal Register Document 53-373, published in the issue of Thursday, January 15, 1953, the following changes are made:

- A. Amendatory paragraph 5 is deleted. B. The introductory text of amendatory paragraphs 6 through 13 is changed to read as follows:
- 6. A new § 602.4a is added to read as follows:
 - § 602.4a Industrial services. * * *
- 7. Section 602.11 is amended to read as follows:
 - § 602.11 Services and facilities. * * *
- 8. Section 602.12 (b) is amended to read as follows:
 - § 602.12 Organization. * * *
- 9. Section 602.12 (c) is amended to read as follows:
- 10. Paragraph (d) of § 602.12 is revoked and paragraph (e) is relettered paragraph (d) and amended to read as follows:
- 11. A new paragraph (e) is added to § 602,12 to read as follows:
- 12. Section 602.20 is amended to read as follows:
- $\S 602.20$ State plans of operations.
- 13. Section 602.21 is amended to read as follows:
- § 602.21 Delegation of authority.

C. In § 602.11 the reference to §§ 602.2 to 602.11, inclusive, is changed to read "§§ 602.2 to 602.10, inclusive."

TITLE 22—FOREIGN RELATIONS

Chapter I-Department of State

[Dept. Reg. 108.183]

PART 126—SHIPPING AND SEAMEN: INTRODUCTION

PART 127—SHIPPING AND SEAMEN: VESSELS OF THE UNITED STATES IN FOREIGN PORTS

PART 128—SHIPPING AND SEAMEN: PRO-TESTS, DISPUTES AND OFFENSES

MISCELLANEOUS AMENDMENTS

MAY 8, 1953.

Under authority vested in the Secretary of State by section 302 of the act of August 13, 1946, 60 Stat. 1001, 22 U. S. C. 842, and by sections 3 and 4 of the act of May 26, 1949, 63 Stat. 111, 22 U. S. C. 811a, 5 U. S. C. 151c, I hereby amend Parts 126, 127 and 128, Title 22 of the Code of Federal Regulations as follows:

- 1. Section 126.1 is amended by the addition of the following paragraphs:
- (1) "Passenger vessel" means any vessel authorized to carry more than twelve persons in addition to the master, the crew, or other persons employed or engaged on board a vessel in any capacity connected with the business of the vessel.
- (m) "Classification society" means an organization for establishing safe minimum standards for the strength of the hull and the reliability of the machinery of a vessel. Classification societies are quasi-governmental. The American classification society is the American Bureau of Shipping; the British, Lloyds Register; the French, Bureau Veritas.
- (Sec 302, 60 Stat. 1001; 22 U. S. C. 842)
 - 2. Section 127.10 is revoked.
- 3. Section 127.13a is established to read as follows:
- § 127.13a Violations of the International Load Line Convention. If a vessel of the United States in a foreign port is alleged to be loaded deeper than the draft permissible under the International Load Line Convention, 1930 (Treaty Series 858) the enforcement authorities of the port are required to notify the consular officer as soon as possible. If the master of the vessel contends that his ship is not violating the Convention, the consular officer shall immediately investigate the matter, and if it appears that the charge is unfounded, he shall protest to the appropriate authorities. A report of every violation charge shall be made to the Department for the information of the United States Coast Guard.
- 4. Section 127.14 is amended to read as follows:
- § 127.14 Certificates under International Convention for the Safety of Life at Sea—(a) Issuance of certificates. International Certificates are issued to United States vessels by the United States Coast Guard after appropriate

inspections have been made by the Federal Communications Commission or the Coast Guard, or both, in ports of the United States. These certificates are valid for one year with the exception of the Safety Equipment Certificate which is valid for two years.

(b) Extension or reissue of certificates. When an International Certificate. issued under the terms of the International Convention for the Safety of Life at Sea, 1948, to a vessel of the United States, expires before or at the time the vessel reaches a foreign port, or will expire before the vessel reaches a port of the United States, it may be extended by the consular officer or a new certificate may be issued by authorities of a foreign Government which is a party to the Convention, according to the preference of the master. The request must come from the master. A request or preference expressed by the agent of a United States vessel should not be honored unless the agent is acting at the master's specific request.

(c) Extension procedure abroad. At the instance of the master of a vessel of the United States, a United States consular officer at any foreign port may extend a Convention Certificate in accordance with the provisions of Chapter I. Regulation 13 (b) and (c) of the Convention, if it appears proper and reasonable to do so. An inspection and survey is not a prerequisite for an extension, but the master of the vessel and the chief radio officer in the case of a cargo ship, or the master of the vessel. the chief engineer, and the chief radio officer in the case of a passenger ship, shall be required to furnish an affidavit that to the best of their knowledge and belief, the vessel complies with the applicable requirements of the Convention. The consular officer shall extend the certificate by typing an endorsement. The consular officer shall sign the endorsement and shall seal the document with the consular impression seal.

(d) Issuance procedure abroad. Upon the receipt, by a consular officer at a foreign port within the allegiance of a Government which is a party to the Safety Convention, of a request from the master of a cargo vessel that a Safety Radiotelegraphy Certificate or a Safety Equipment Certificate be issued to his vessel, the officer shall, in accordance with the provisions of Chapter I, Regulation 12 of the Convention, request the appropriate local government authorities to inspect the vessel for compliance with the requirements of the Convention and to issue, under that government's own responsibility, a Safety Radiotelegraphy Certificate or a Safety Equipment Certificate or both to the vessel. The circumstances under which a passenger vessel would require a survey and the issuance of a Safety Certificate while in a foreign port are not likely to occur. Should such a situation arise, advice shall be requested from the Department, which will confer with the Coast Guard and the Federal Communications Commission and issue instructions to the consular officer. A certificate issued by a government of a country not a party to the Convention has no validity and consular officers at a foreign port within the allegiance of such a country may not request that government to issue any certificate required under the Convention.

(e) Violations of the International Convention for the Safety of Life at Sea, 1948. While the possession of the appropriate International Certificate(s) is evidence that the vessel was complying with the applicable provisions of the Convention at the time the certificate was issued, authorities of a foreign government at a port in which the vessel is, have a right to inspect the vessel for the purpose of determining that it is still complying substantially with these provisions. Should this inspection lead to a requirement being imposed upon the vessel, Chapter I, Regulation 18 of the Convention, requires that the consular officer be informed in writing forthwith of all the circumstances. If the master protests the requirement, the consular officer shall investigate the situation and, if the evidence warrants, shall make representations to the proper authorities. It is not expected that in matters of judgment the decisions of the local authorities shall be questioned (e. g., whether an item of required equipment is worn out or not) But where quantitative standards are prescribed by the Convention (e. g., number of life buoys) a greater number should not be required. Where a requirement is not protested as to justification but will involve delay to the vessel, the consular officer may be able to obtain permission for the ship to depart if the master gives assurance that the deficiency will be made good at the next port of call.

(Sec. 302, 60 Stat. 1001; 22 U.S.C. 842)

5. Section 128.4 is amended by the addition of the following sentence: "In case of complaint of unseaworthiness based upon deficiency of lifesaving equipment, the Certificate of Inspection serves as a criterion."

(Sec. 302, 60 Stat. 1001; 22 U.S. C. 42)

These regulations shall become effective as of their date of publication in the FEDERAL REGISTER.

For the Secretary of State.

DONOLD B. LOURIE, Under Secretary of State for Administration.

[F. R. Doc. 53-4310; Filed, May 14, 1953; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I-Bureau of Indian Affairs, Department of the Interior

Subchapter L-Irrigation Projects; Operation and

PART 130-OPERATION AND MAINTENANCE CHARGES

SAN XAVIER PROJECT, SELLS AGENCY, ARI-ZONA AND DUCK VALLEY PROJECT, WEST-ERN SHOSHONE AGENCY, NEVADA

On March 14, 1953 (18 F R. 1478) there was published a notice of intention to amend § 130.105, Title 25, Code of Federal Regulations, Chapter I, Subchapter L, Part 130, to modify the annual rate of assessment for operation and maintenance of the irrigation systems for irrigable lands of the San Xavier Project, Sells Agency, Arizona, and Duck Valley Project, Western Shoshone Agency, Nevada, by increasing the partial payment of operation and maintenance costs from \$0.50 per acre per annum to \$1.00 per acre per annum at the San Xavier Irrigation Project and from \$0.50 per acre per annum to \$0.80 per acre per annum at the Duck Valley Irrigation Project. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs with headquarters at Phoenix, Arizona, not later than April 3, 1953. No objection was filed with the Area Director on the part of either of the projects affected. In view of the substantial increase in cost of operating and maintaining these projects and in view of the ability of the land users to make increased partial payments of the costs. I have concluded that the assessment rate should now be \$1.00 per acre per year at the San Xavier Irrigation Project and \$0.80 per acre per year at the Duck Valley Irrigation Project effective for the calendar year 1953 and thereafter until further notice.

Accordingly § 130.105 is amended to read as follows:

§ 130.105 Charges. Pursuant to the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1953 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project	Agency	Per acro per annum
Duck Valley	Western Shoshone_ Navajo_ Carson_ San Carlos_ Sells_ Tongue River_ Warm Springs_	\$0.80 .50 .50 .50 1.00 .25 2.00

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S. C. 385)

> RALPH M. GELVIN, Area Director

[F. R. Doc. 53-4280; Filed, May 14, 1953; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation

Subchapter B-Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

CONTRACTS WHEN CONTRACTUAL PROVISIONS ADEQUATE TO PREVENT EXCESSIVE PROF-

This part is amended by adding to § 1455.4 (b) Exemptions a new subparagraph (3) to read as follows:

(3) Small Defense Plants Administration. All prime contracts entered into by the Small Defense Plants Administration under the authority of section 714 (b) (1) (B) of the National Production Act of 1950, as amended, 50 U.S.C. App. 2163 (b) (1) (B) with any of the Departments named in or designated pursuant to section 103 of the act. This exemp-tion shall not extend to subcontracts related to such prime contracts.

(Sec. 109, 65 Stat. 22; 50 U.S. C. App. Sup.

Dated: May 12, 1953.

NATHAN BASS, Secretary.

[F. R. Doc. 53-4295; Filed, May 14, 1953; 8:49 a. m.1

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1A of May 14, 1953]

M-1A-IRON AND STEEL

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

- 1. What this order does.
- 2. When this order becomes effective.
 3. Definitions.
- 4. Applicability of other NPA orders and regulations.
- 5. Directives.
- 6. Opening of order books.
- 7. Acceptance of orders.8. Rejection of authorized controlled material orders.
- 9. Priority status of delivery orders.
- 10. Further converters.11. Notification.
- 12. Acceptance of orders and replacement of inventory by distributors.
- 13. Limitation on acceptance of authorized controlled material orders by distributors.
- 14. Deliveries of aircraft-quality alloy steel products by distributors.

 15. Deliveries of nickel-bearing stainless steel products by distributors.

 16. Limitation on distributors' inventory.

- 17. Direct shipments by distributors.
- 18. Request for adjustment or exception.

Sec. 19. Records and reports.

20. Communications.

21. False statements.

22. Violations.

AUTHORITY: Sections 1 to 22 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this order does. This order supplements DMS regulations and applies to all producers of steel mill products and steel castings, and to steel distributors. It requires producers of steel mill products and steel castings to reserve space on their books for the acceptance of authorized controlled material orders and further converter orders issued pursuant to allocation directives. It provides that such orders shall be accepted and produced pursuant to NPA directives. It provides for allocation directives requiring producer-suppliers to supply further converters with tonnage to enable further converters to comply with their production directives. This order also provides for the replacement in inventory of certain products by steel distributors, and restricts deliveries of aircraft-quality steel products by such distributors.

SEC. 2. When this order becomes effective. This order is effective May 14, 1953, and applies only to authorized controlled material and further converter orders calling for the delivery of steel mill products and steel castings in the third calendar quarter of 1953, or any subsequent calendar quarter, and to all actions to be taken in connection with such orders. All provisions of NPA Order M-1 continue in full force and effect with respect to orders calling for delivery of steel mill products and steel castings prior to the third calendar quarter of 1953, and to all actions to be taken in connection therewith.

SEC. 3. Definitions. As used in this order:

- (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other gov-
- (b) "Products" means those iron or steel products listed under column A of Table I of this order. This term includes clad and coated products when clad or coated by a producer.

(c) "Steel mill products" means those steel products listed under parts A-I

and A-II of Table I of this order.
(d) "Controlled steel mill products" means those steel products listed under part A-I of Table I of this order and which are listed in Schedule I of DMS Regulation No. 1. The term as used in this order does not include steel castings.

(e) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 20 of DMS Regulation No. 1, or which is specifically designated to be such an order by any regulation or order of NPA.

(f) "Producer" means a person who produces one or more products, as defined in paragraph (b) of this section.

(g) "Carbon steel (including wrought iron and ingot iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheet and strip; (2) low-alloy, high-strength steels: (3) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding copper wire mill products), or aluminum clad and/or coated carbon steels; and (4) leaded carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

(h) "Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip) copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy-steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless)

are alloy steels.
(i) "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or

other elements.
(j) "Nickel-bearing stainless steel" means a stainless steel containing 1 percent or more of nickel.

(k) "High-temperature alloys" means those alloys wrought or cast, manufactured expressly for the jet engine program, containing 25 percent nickel and over, and those alloys containing less than 25 percent nickel, but where the combination of alloving elements, including nickel, make the total alloy content more than 50 percent.

(1) "Allocation directive" means a directive issued by NPA to a producer-supplier providing for the shipment by him of certain tonnages of steel mill products to further converters.

(m) "Production directive" means a directive issued by NPA to a producer directing the production by him of the tonnage of products indicated therein.

(n) "Steel castings" means any steel, except ingots, which acquires its shape by having the molten metal poured into a mold.

(o) "Steel distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking any steel mill prod-

uct at one or more locations regularly maintained by him for such purpose. for sale or resale, in the form or shape as received or after performing the operations described in the next sentence of this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are cutting, shearing, burning, or torch-cutting to length, size, or shape; pipe threading; corrugating and forming of roofing and siding; forming of ridge roll, valley, and flashing; sorting and grading; and the like. A person who, in connection with any sale of any steel mill product from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare such material for final use or assembly, or who delivers straight lengths of reinforcing bars as part of a fabricated job or project, shall not be deemed a distributor with respect to such sale; and a person who, in connection with any purchase of any steel mill product for resale, does not take physical delivery of any such steel mill product into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(p) "Further conversion" means the further processing of one steel mill product into another steel mill product for resale.

(q) "Further converter" means a producer who receives a steel mill product from a producer-supplier for further conversion, and who, by further processing, converts such steel mill product into another steel mill product for resale.
(r) "Further converter order" means

a delivery order for a steel mill product placed by a further converter with a producer-supplier pursuant to an allocation directive.

(s) "Producer-supplier" means a producer of a steel mill product who ships the same to a further converter for further conversion.

(t) "Production directive base tonnage" means the average monthly tonnage of each steel mill product which a producer was required to reserve for the acceptance of selected authorized controlled material orders during the first calendar quarter of 1953. "Selected authorized controlled material orders" as used herein means those authorized controlled material orders which bore a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B-5 where it appeared as a suffix), or the program identification

(u) "Item" means any steel mill product which is different from all other steel mill products by reason of one or more of its specifications, such as width, thickness, temper, alloy, or finish.

(v) "NPA" means the National Production Authority.

SEC. 4. Applicability of other NPA orders and regulations. All provisions of any NPA regulation or order, including DMS regulations, are superseded to the extent that such provisions are inconsistent with this order, but in all other

respects the provisions of such regulations and orders shall remain in full force and effect.

Sec. 5. Directives. (a) Each producer in connection with his production of steel mill products and steel castings, shall comply with production, allocation, and other directives as issued or as from time to time amended by NPA.

(b) In issuing production directives, NPA will use the production directive base tonnage as the base of calculating the tonnages to be produced pursuant to such directives. As the requirements of the Claimant Agencies (as defined in section 3 (d) of DMS Regulation No. 1) for steel mill products change, NPA will alter production directives and allocation directives as may be deemed necessary. In so doing, NPA will give due consideration to the production directive product-mixes of the producers.

SEC. 6. Opening of order books. (a) Each producer shall open his order books for the acceptance of authorized controlled material orders and further converter orders for controlled steel mill products and steel castings for each calendar quarter not later than the number of days prior to the first day of the quarter as shown in the following schedule, except that for the calendar quarter commencing July 1, 1953, they shall be opened on the effective date of this order if not already opened:

(b) A producer may open his order books for the purpose of accepting authorized controlled material and further converter orders for any calendar quarter as long in advance of the periods set forth in paragraph (a) as he may choose, but after his order books are opened he shall accept such orders as provided in section 7 of this order.

Sec. 7. Acceptance of orders. (a) During the period extending from the date of opening his books until the commencement of lead time for the particular product involved, each producer shall accept authorized controlled material orders and further converter orders for such tonnages of each such product for each month as NPA shall direct in its production directives and allocation directives. He shall accept all the authorized controlled material orders offered to him during such period up to the tonnage indicated in his production directive.

(b) Each producer shall, after receipt of any authorized controlled material order tendered to him, promptly accept or reject such order. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the steel producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, by letter or by telegram, the person who tendered the order, of such acceptance

or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 10 consecutive calendar days after receipt.

(c) Each producer shall immediately notify NPA, Iron and Steel Division, by telegram if, prior to the commencement of the lead time for the delivery of any particular product in any given month, he has received and accepted authorized controlled material orders for that product up to the tonnages indicated in his production directive for the month involved.

(d) The provisions of paragraphs (a) and (c) of this section shall not be applicable with respect to any product for which, or to any producer to whom, NPA has not issued a production directive. However, any such producer may accept and ship controlled steel mill products and steel castings pursuant to authorized controlled material orders.

(e) Nothing in this section shall prohibit a producer from accepting authorized controlled material orders for controlled steel mill products and steel castings for more than the tonnage indicated in his production directive in any month.

SEC. 8. Rejection of authorized controlled material orders. Unless otherwise specifically directed by NPA, a producer may reject an authorized controlled material order in any of the following cases:

(a) If the order is one for less than the minimum mill quantity specified in column C of Table I of this order, and has not been combined with another order pursuant to section 20 (g) of DMS Regulation No. 1.

(b) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(c) If the order tendered by a steel distributor is not in accordance with section 12 (b) of this order, or if the order tendered by a further converter is not in accordance with section 10 (b) of this order.

(d) If the order calls for delivery of any product in a particular month and is received after the commencement of lead time for that product for the month involved, as set forth in column B of Table I of this order.

(e) If he has, prior to the commencement of lead time for the particular product involved, accepted orders for shipment in each month for each product at least equal to the tonnage indicated in his production directive.

SEC. 9. Priority status of delivery orders. (a) Except as provided in paragraph (b) of this section, authorized controlled material orders and further converter orders for controlled steel mill products or steel castings shall take precedence over all other delivery orders for such products, and shall be shipped during the accepted shipment month, or in accordance with section 21 (f) of DMS Regulation No. 1 within 15 days prior to such month. All authorized controlled material orders and further converter orders shall have equal preferential status: Provided, however That,

if due to circumstances beyond the control of a producer, or for any other reason, shipment of all such orders during the accepted shipment month is not made, then authorized controlled material orders bearing the allotment number consisting of the program identification A, B, C, D, or E, and a digit, and further converter orders carried over from any previous month, shall take precedence over other authorized controlled material orders and further converter orders for the same steel mill product calling for delivery during the current month involved. Such carryover orders shall not be applied against orders required to be accepted for steel mill products or steel castings to be produced pursuant to a producer's production directive for any succeeding month but shall be in addition thereto.

(b) A delivery order for controlled steel mill products, or steel castings placed pursuant to a directive issued by NPA shall take precedence over any other delivery order previously or subsequently received, unless a contrary instruction appears in the directive.

SEC. 10. Further converters. (a) Any further converter who has received a production directive for steel mill products will obtain sufficient tonnages of steel mill products to enable him to comply with his production directive, pursuant to an allocation directive issued by NPA to such further converter's producer-supplier or suppliers. NPA may transmit a further converter allocation directive by mail or telegram to producer-suppliers of the steel mill products involved and transmit a copy thereof to the further converter. NPA will issue allocation directives to producer-suppliers providing for the shipment by them of certain tonnages of steel mill products to further converters located in the Dominion of Canada or in any province thereof.

(b) Any further converter who, with respect to his production on or after July 1, 1953, does not receive a production directive from NPA and who uses steel mill products from his inventory on or after July 1, 1953, to fill authorized controlled material orders may, in obtaining products to replace in inventory the steel mill products delivered pursuant to such order, affix the allotment number D-3 to the purchase order he places with his regular supplier of such products. Such purchase orders are hereby designated as authorized controlled material orders and shall be certified by the further converter as provided in section 20 of DMS Regulation No. 1. In placing such authorized controlled material orders, the further converter shall indicate thereon the allotment number D-3 and the calendar quarter in which delivery of the steel mill products is required: Provided, however That authorized controlled material orders placed by a further converter pursuant to this section shall call only for delivery of the quantity of the steel mill product as such further converter used for further conversion into the steel mill product delivered pursuant to authorized controlled material orders: And provided further, That the allotment number D-3 may be used to place orders for steel mill products pursuant to this paragraph only in the calendar quarter in which they were taken from inventory or in the immediately succeeding calendar quarter. The provisions of this paragraph shall not apply to any further converter who requires. for replacement in inventory by reason of having filled authorized controlled material orders during any calendar month, a greater tonnage of any steel mill product than that indicated in Table II of this order. Any such further converter may apply for an allocation directive from NPA covering his total replacement requirements of each such product.

Sec. 11. Notification. Any person who, on or after May 14, 1953, produces any steel mill product for which he has not received a production directive since August 1951, shall notify NPA by letter within 10 days after such production has commenced, advising NPA of the tonnage and products involved.

Sec. 12. Acceptance of orders and replacement of inventory by distributors.

(a) Subject to the limitations set forth in this order and in applicable DMS regulations, every distributor shall accept all authorized controlled material orders.

(b) Commencing July 1, 1953, and during each succeeding calendar month thereafter, any steel distributor who has delivered steel mill products from his inventory after June 30, 1953, to fill authorized controlled material orders bearing the allotment number A, B, C, D, or E, and one digit, or any steel distributor located in the Dominion of Canada or in any province thereof who has delivered steel mill products from his inventory to fill atomic energy or defense orders, may obtain products to replace in inventory the steel mill products delivered pursuant to such orders, by affixing the allotment number D-8 to the purchase order he places with his regular supplier of such products. Such purchase orders are hereby designated as authorized controlled material orders and shall be certified by the steel distributor as provided in section 20 of DMS Regulation No. 1, except that in the case of a Canadian steel distributor, they shall be certified as provided in section 5 of NPA Reg. 3. In placing such authorized controlled material orders, the distributor shall indicate thereon the allotment number D-8 and the calendar quarter in which delivery of the steel mill products is required: Provided, however That authorized controlled material orders placed by a steel distributor pursuant to this section shall call only for delivery of a quantity of the carbon, alloy, or nickel-bearing stainless steel mill product listed on each line of Table III of this order, no greater than the quantity which such distributor delivered from his inventory pursuant to authorized controlled material orders bearing the allotment number A, B, C, D, or E, and one digit, or to fill atomic energy or defense orders in the case of Canadian distributors: And provided further That the allotment number D-8 may be used to place orders for steel mill products pursuant to this paragraph only in the calendar quarter in which they were taken from inventory after June 30, 1953, or in the immediately succeeding calendar quarter.

SEC. 13. Limitation on acceptance of authorized controlled material orders by distributors. No steel distributor shall be required to make delivery from inventory on authorized controlled material orders, to any one customer to any one destination during any calendar week, of any item of a steel mill product in an aggregate quantity in excess of the following:

Any item of carbon steel—8,000 pounds. Any item of alloy steel—5,000 pounds.

Any item of stainless steel sheet—2,000

Any item of stainless bars and plates—1,000 pounds.

Any item of stainless tubing or pipe—1,000 pounds, provided that such quantity deco not exceed 1,000 feet.

In no case shall a steel distributor be required to make deliveries of items aggregating 40,000 pounds or more, to any one customer during any calendar week unless the deliveries include ten or more different items: *Provided, however* That all such deliveries shall be subject to the limitations of the preceding sentence as to each item.

Sec. 14. Deliveries of aircraft-quality_alloy steel products by distributors. No steel distributor shall deliver, nor shall any person accept delivery of from any steel distributor, any aircraft-quality alloy steel product unless:

(a) Such aircraft-quality alloy steel product is required by specification and will be incorporated into aircraft, military catapults, aircraft arresting gear, guided missiles, or airborne equipment, in connection with the development, production, repair, or maintenance thereof, or required for use in gas turbine and aircraft-type internal combustion engines for use in naval vessels; or

(b) Such aircraft-quality alloy steel product is required by specification and will be used in filling orders bearing the allotment number A-3, A-4, A-5, A-7, E-1, or E-2.

(c) Any person placing an order for an aircraft-quality alloy steel product with a steel distributor shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under NPA Order M-1A

This certification constitutes a representation by the purchaser to the steel distributor and to NPA that the purchase order so certified calls for delivery of an aircraft-quality alloy steel product to be used only as permitted in this section.

SEC. 15. Deliveries of nickel-bearing stainless steel products by distributors.

(a) No steel distributor shall deliver any nickel-bearing stainless steel product to any person if he knows, or has reason to believe, that the person to whom the delivery is to be made will use such nickel-bearing stainless steel product in violation of the provisions of NPA Order M-80

or of any other applicable order or regulation of NPA.

(b) Any person placing an order for a nickel-bearing stainless steel product with a steel distributor shall endorse on his purchase order, to following certification which shall be signed as provided in section 8 of NPA Reg. 2:

The undersigned, subject to statutory penalties, certifies that the acceptance of delivery and use by the undersigned of the nickel-bearing stainless steel product herein ordered, will not be in violation of NPA Order M-80.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of the nickel-bearing stainless steel product ordered may be accepted by the purchaser under NPA Order M-80, and that such nickel-bearing stainless steel product will not beused by the purchaser in violation of that order.

SEC. 16. Limitation on distributors' inventory. No steel distributor shall order for placement in his inventory any alloy steel in any grades other than those with a melting range of (a) 0.60 maximum nickel or 0.15 maximum molybdenum for steels 0.30 carbon and under, or (b) 0.40 maximum nickel or 0.15 maximum molybdenum for steels 0.31 carbon and over, used individually or in combination with or without chromium, or (c) any non-nickel-bearing, or non-molybdenum-bearing grades, with or without chromium: Provided, however That this section shall not apply to aircraft-quality alloy steel or tool steel.

Sec. 17. Direct shipments by distributors. Nothing in this order shall prevent a steel distributor, who normally acts as authorized agent of a producer, from acting not only in the capacity of a steel distributor as defined in section 3 of this order, but also as an agent of a producer for the purpose of receiving and transmitting to such producer authorized controlled material orders for direct shipment by the producer to the person placing such order.

SEC. 18. Request for adjustment or exception. Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate. and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 19. Records and reports. (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where

maintained.

(c) Each producer of steel mill products who receives a production directive from NPA shall complete and return Form NPAF-17 and Form NPAF-100 to NPA, Washington 25, D. C., Ref: NPA Order M-1A, in accordance with the instructions applicable to that form.

(d) Each producer of steel castings shall complete and return Form NPAF-118 to NPA, Washington 25, D. C., Ref: NPA Order M-1A, in accordance with the instructions applicable to that form.

(e) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F)

SEC. 20. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-1A.

SEC. 21. False statements. The furnishing of false information or the concealment of any material fact by any person in the course of operation under this order constitutes a violation of this order by such person.

Sec. 22. Violations. Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving further deliveries of materials. or using materials or facilities, under priority or allocation control and to deprive him of further priority and allocation assistance. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

Note: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect May 14. 1953.

> NATIONAL PRODUCTION AUTHORITY, By George W Auxier, Executive Secretary.

TABLE I OF NPA ORDER M-1A-IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Column A	Column B			Column O		
Nome of Tarabase	Number of days in advance of first day of month in which shipment is required			Minimum quantity for each size and grade of any item for mill ship- ment at any one time to any one destination i		
Name of product	Carbon	Low- alloy high- strength	Nickel- bearing stain- less	Alloy 2	Carbon	Alloy
	(1)	(2)	(3)	(4)	(1)	(2)
PART A						
STEEL MILL PRODUCTS	1	İ	Ì	ĺ		
I. Controlled Steel Mill Products						:
Bar, hot-rolled, stock for projectile and	45	75		*75	(1)	(9.
shell bodies. Bar, hot-rolled, other (including light	* 45	3 75	80	* 75	(5)	(4).
shapes). Bar, reinforcing (straight lengths as rolled).	45				5 not tons	
Bar, cold-finished	3 75	• 105	105	* 105	5 not tons	5 not tons.
Sheet, strip (uncoated and coated): Sheet, hot-rolled Sheet, cold-rolled	45	75	90	75	5 not tons	8:
Sheet, cold-rolled	45 45	75	105	90	5 not tons	(9,
Sheet, all other coated Sheet, enameling	45				()	
Sheet, enameling	45				(1)	
Ridge roll, valley, and flashing	45 45				()	
Strip, hot-rolled	45 45	75 75	90 105	75 90	3 net tons	3 :
					()	
Tin mill black plate. Tin plate, hot-dipped Ternes, special coated manufacturing Tin plate, electrolytic	45 45				5,000 pounds 5,000 pounds	
Ternes, special coated manufacturing	45 45		:		5,000 pounds 5,000 pounds	
Plate:	(4)	(9)		(4)	1	/ss
Rolled armor Continuous strip mill. Sheared, universal or bar mill.	45 45	75 75	90 90	75 75	10 net tons 3 net tons	}§:
Structural shapes, piling	45	175	7 150	90	(4)	8 6:
Pipe, tubing: Standard pipe (including type of cou-	45		120		(5)	(5).
plings furnished by mills). Oil country goods (casings, tubular goods,	45			60	(1)	(3).
type of couplings furnished by mill). Line pipe (including type of couplings	45				(5)	(4).
furnished by mill). Pressure tubing—seamless and welded	9 60		120	120	(19	(b).
Mechanical tubing—seamless and welded. Wire, wire products:	1		120	120	(1)	
Wire, drawn Nails—bright steel wire, steel cut, gal-	45 45	75	03	75	6 not tons 12_	(1).
Nails—bright steel wire, steel cut, gal- vanized, cement-coated, and painted. Spikes and brads—steel wire galvanized	. 45				5 net tons 11	
Staples, bright and galvanized (farm and	45				onet tons 13	
poultry). Wire rope and strand	45		105		9	
Welded wire mesh Woven wire netting	45 45		105 105		Gnet tons 12.	
Barbed and twisted wire Wire fence, woven and welded (farm and	45 45				5 net tons 12.	
poultry). Bale ties	45				5 net tons 12.	
Coiled automatic baler wire Tool steel (including tool steel forgings)	13 60			13 90	5 net tons 11.	500 pounds.
Die blocks Other mill forms and products (not including				75	***********	(0.
forgings except for wheels): Ingots	45	75	75	75	25 net tons 11.	Product of
	45	75		75	40	one heat.
Billets for projectile and shell bodies	45	75	75	75	25 net tons 11.	8:
Skelp Wire rod	45 45	75		75	25 net tons 14.	5 not tons.
Rails and track accessories (joint bars, tie plates, and track spikes).	45	[<u>-</u>			(9	
Wheels, rolled or forged (railroad) Axles, railroad	45 45			90 90	(1)	8:
II. Other Steel Mill Products	1 20] "	\/	\\\'
	F		·	[
Nonnickel-bearing stainless steel	1			1	************	l

See footnotes at end of table.

TABLE I OF NPA ORDER M-1A-IRON AND STEEL PRODUCTS TO WHICH THIS ORDER ARTHES—Continued

Column A Name of product	Column B Number of days in advance of first day of month in which shipment is required				Column O Minimum quantity for each size and prode of any liter for mill suipment at any one time to any one declination 1	
·	Carbon	Low- alloy high- strength	Nickel- bearing stain- less	Alloy 3	Carbon	Alloy
	(1)	(2)	(3)	·(4)	(1)	(2)
PART B						
Castings, steel (rough as east)	12 CO	12 EO	15 20	n 69	(9	(უ.
PART C						
Forgings, rough as forged	90	120	120	120	(1)	(9.
Iron products: Pig fron (not including fron with more than 6 percent silicon). Malleable ron castings, rough as cast					Carlead (11) (12)	

1 All stainless steel is by direct negotiation.
2 For clad steels add 45 days.
3 Hannealed or heat-treated, add an additional 15 days.
4 Hy negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA chauld be notified.
5 Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—5 net tons. Round and square bars over 3 inches to, but not including 8 inches—15 net tons.
5 For electrical sheet and strip, use this table:

 Grade	Lead time	Definition
Low	45	AISI Mto, M43, M25,
Medium	45	AISI M27, M22, M19.
High	60	AISI M17, M16, M14 and eriented.

Applies to special rolled shapes, including angles and channels.
 Published carload minimum (mixed sizes and grades).

For welded tubing, 75 days.	
10 By negotiation, excepting seamless cold-drawn, for which use this table (O. D. in inches):	
Up to ¾ inclusive	1,000 feet.
Over ¾ to 1½ inclusive	£00 feet.
Over 1½ to 3 inclusive	CG3 feet
Over 3 to 6 inclusive	400 feet
Over 6	2.0 (***
11 Low carbon	1 not ton
"Low carbon	1 HCF 65H*
High carbon (0.40 carbon and higher):	
Under 0.021 inch	600 rounds.
From 0.021 inch to 0.0475	1.000 rounds.
0.0475 inch and heavier	Inct ton.
2 Quantity refers to any assortment of wire merchant trade products,	n mcv 4
- Same a teres to any assistment of whe merchant diade broaders.	
13 If cold-finished, add an additional 15 days	

If cold-finished, add an additional 15 days.
If or forging quality, product of one heat. ("Heat" means 1 batch of metal mode in one furnace.)
Use lead time as for same stainless product. Minimum quantities will be by negotiation.
I Lead time applies to unmachined castings after approval of pattern for production.
2,000 pounds or less from any one pattern or mold, or a minimum production run by the producing foundry.

TABLE II OF NPA ORDER M-1A

(See section 10 (b))

Name of product	Carbon (net tons)	Alloy (net tons)
Ingots	(1)	(1)
Blooms, slabs, billets (except shell		•
quality)	100	25
Sheet bar		
Tube rounds	100	50
Skelp	liŏŏ	
Wire rods	50	10
Plates—sheared and universal mill		
(except armor and cartridge case)	50	25
Plates-strip mill (except armor	1	-
and cartridge case)	50	l
Bar and bar-size angles, hot-rolled	I	
(except projectile and shell	i	[
quality)	25	10
quality) Pipe, buttweld	20	
Tubing, seamless	20	20
Tubing, welded.	20 50 75	·
Wire, high and low carbon	5ŏ	
Sheet, hot-rolled	75	[
Sheet, cold-rolled	50	
Strip, hot-rolled	50 25	10
Strip, cold-rolled	50	l

1 Product of one heat.

TABLE III OF NPA ORDER M-1A

(See section 12)

Steel: Bar, bar shapes (including light shapes) Bar, hot-rolled, projectile and shell

quality.

Bar, hot-rolled, other (including light shapes)

Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area.

Round and square bars over 3 inches to, but not including 8 inches.

Bar-size shapes (angles, tees, channels, and zees under 3 inches).

Bar, reinforcing (straight lengths, as rolled).

Bar, cold-finished.

Sheet, strip (uncoated and coated) Sheet, hot-rolled.

Sheet, cold-rolled. Sheet, galvanized. Sheet, all other coated.

Sheet, enameling. Roofing, galvanized, corr crimped channel drains. corrugated, V- TABLE III OF NPA ORDER M-1A-Continued

Steel—Continued

Sheet, strip (uncoated and coated)—Con.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.

Strip, hot-rolled. Strip, cold-rolled. Strip, galvanized.

Electrical cheet and strip.

Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.

Plate:

Rolled armor.

Continuous strip mill production.

Sheared, universal, or bar mill production.

Structural shapes, piling.

Pipe, tubing:
Standard pipe (including couplings furnished by mill).

Oll country goods (casings, tubular goods, couplings furnished by mill).

Line pipe (including couplings furnished by mill). Pressure and mechanical tubing (seam-

less and welded)

Seamless, hot-rolled and cold-drawn. Welded.

Wire, wire products:

Wire, drawn. Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted. Spikes and brads—steel wire, galvanized, and cement-coated.

Staples, bright and galvanized (farm and poultry).

Wire rope and strand.

Welded wire mesh. Woven wire netting

Barbed and twisted wire.

Other wire products. Tool steel (including tool steel forgings).

Die blecke Other mill forms and products:

Ingots.

Billets, projectile and shell quality.

Blooms, slabs, other billets, sheet bars. Tube rounds.

Stielp.

Wire red.

Rails and track accessories.

Wheels, rolled or forged (railroad).

Axles (railroad).

Castings (not including cast iron).

[F. R. Doc. 53-4379; Filed, May 14, 1953; 9:38 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 51 to Schedule B] [Rent Regulation 2, Amdt. 52 to Schedule B]

RR 1-Housing

RR 2-ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B-SPECIFIC PROVISIONS RE-LATING TO INDIVIDUAL DEFENSE-RENTAL Areas or Portions Thereof

Effective May 18, 1953, Rent Regulation 1 and Rent Regulation 2 are amended as set fórth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U.S.C. App. Sup. 1834)

Issued this 12th day of May 1953.

WILLIALI G. BARR

Acting Director of Rent Stabilization.

1. Item 92 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

92. Provisions relating to Ross County, Ohio, a portion of the Portsmouth-Chillicothe Defense-Rental Area (Item 236a of Schedule A). With respect to housing accommodations in Ross County, Ohio, section 141 of this regulation is changed to read as follows:

SEC. 141. Alternate adjustment for increases in costs and prices. (a) The housing accommodation had a maximum rent in effect on November 5, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30. 1947 under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section 141 (a) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: Provided, however That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing rents which were in effect on June 30, 1947. Adjustments under this section 141 (a) shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

(b) The housing accommodations had a maximum rent in effect on June 30, 1947, and did not have a maximum rent in effect on November 5, 1952, and the present maximum rent does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus any increase in rental value because of a major capital improvement or an increase in services, furniture, furnishings, or equipment which occurred after June 30, 1947, (3) minus any decrease in rental value because of any decrease in services, furniture, furnishings, or equipment required by the rent regulations on June 30, 1947, or because of a substantial deterioration. The adjustment under this section 141 (b) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus or minus appropriate increases or decreases in rental value, if any, heretofore specified.

All provisions of this regulation insofar as they are applicable to Ross County, Ohio, are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

2. Item 103 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

103. Provisions relating to Ross County, Ohio, a portion of the Portsmouth-Chillicothe Defense-Rental Area (Item 236a of Schedule A). With respect to housing accommodations in Ross County, Ohio, section 138 is added to this regulation to read as follows:

SEC. 138. Alternate adjustment for increases in costs and prices. The room had a maximum rent in effect on November 5, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for com-

parable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: Provided, however That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

All provisions of this regulation insofar as they are applicable to Ross County, Ohio are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-4319; Filed, May 14, 1953; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS PUGET SOUND AREA, WASHINGTON

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) § 207.750 (n) is hereby prescribed to govern the use and navigation of a naval restricted area in the waters of Carr Inlet, Puget Sound, Washington, for use as an acoustic testing range, effective on and after publication of this amendment in the Federal Register due to the urgent necessity on the part of the Navy for installing valuable underwater equipment for the conduct of vital operations within the area, as follows:

§ 207.750 Puget Sound Area, Wash.

(n) Carr Inlet, naval restricted area—
(1) The area. The waters of Carr Inlet bounded on the southeast by a line running from Gibson Point on Fox Island to Hyde Point on McNeil Island, on the northwest by a line running from Green Point (at latitude 47°16′54′′ N., longitude 122°41′33′′ W.) to Penrose Point; plus that portion of Pitt Passage extending from Carr Inlet to Pitt Island, and that portion of Hale Passage extending from Carr Inlet southeasterly to a line drawn perpendicular to the channel 100 yards northwesterly of the Warren dock.

(2) The regulations. (i) The area shall be used as an acoustic range for research studies and special noise trials. No explosives shall be used.

(ii) No marine craft of any type shall at any time approach or remain within one hundred yards of the buoys marking the hydrophone locations or the hydrophone cable connection raft. The hydrophones are to be buoyed from the

bottom of Carr Inlet on a line perpendicular to the course line opposite Ketner's Point, and about one-half mile from the Fox Island shore. The course line, or range, will bear 136° (316°) and will be marked by range beacons to be erected near the shore line approximately one mile north-northeast of Steilacoom and approximately two miles north-northeast of Home. The cable connection raft will be secured to pilings in Carr Inlet approximately 20 yards off the Fox Island shore, opposite Ketner's Point.

(iii)'The remainder of the area shall be open to navigation at all times except when the range is in use or when hydrophones are being calibrated. When the range is in use or hydrophones are being calibrated, large Baker (red) signal flags will be displayed on the signal poles to be erected on Gibson Point, Hyde Point, Pitt Island, Penrose Point, Green Point, and on Fox Island 2500 yards northwesterly of Ketner's Point. The ranging of vessels or calibration of hydrophones will be conducted at intervals during two 3-hour periods, i. e., between the hours of 9 a.m. to 12 noon and 1 p. m. to 4 p. m., Pacific standard time, Monday through Friday, except for national legal holidays (New Year's Day, Washington's Birthday, Decoration Day, Independence Day Labor Day, Armistice Day, Thanksgiving Day, Christmas Day), and will total approximately 150 days spread throughout the year. Lowering of the signal flags will indicate termination of use of the range for the remainder of that period. Operations will not be conducted when, because of fog or other reasons, visibility within the area is reduced to less than one mile. Insofar as possible, the schedule of operations givmg the days the range will be in use for each forthcoming month will be published in local newspapers and in the local U. S. Coast Guard Notice to Mariners.

(iv) When signal flags are displayed indicating that the range is in use or hydrophones are being calibrated, navigation within the area will be restricted as follows:

(a) As used in this section, the words "operate, power vessel and non-power vessel" are defined as follows:

(1) "Operate". To be physically present in the designated area.

(2) "Power vessel". A vessel propelled principally by a mechanical propulsion system (i. e., gasoline, Diesel, steam or electric drive to a propeller, pump jet, paddle wheel or other device), and being propelled by that means.

(3) "Non-power vessel". A vessel not equipped with a mechanical propulsion system, such as a rowboat, cance or sailboat propelled by oars, paddles, or sails, respectively.

espectively.

(b) Power vessels shall not operate within the area, except that traffic in either direction between Hale Passage and upper Carr Inlet, within 200 yards of the low water mark off Green Point, will be cleared by signal for approximately 15 minutes total time within this area at the termination of individual ranging runs, while the vessel being ranged takes position for the next run. Clearance to trayerse the area around

Green Point will be indicated by lowering to half-mast the signal flags at Green Point and on Fox Island, 2500 yards northwesterly of Ketner's Point.

(c) Non-powered marine craft shall not operate within one mile of the course line bearing 136° (316°) and within two miles to the southeast and two miles to the northwest of the hydrophone location buoys situated in Carr Inlet opposite Ketner's Point: Provided, however Non-powered craft may operate within four hundred yards of the low water mark on the northeast side of McNeil Island, within two hundred yards of the low water mark at Green Point, and within two hundred yards of the low water mark on the southwest shore of Fox Island except for maintaining the required one-hundred-yard clearance around the cable connection raft (see subdivision (ii) of this subparagraph)

(d) Towboats shall have free access and egress to designated tow havens within Carr Inlet, as follows: The Navy will establish and maintain suitable mooring buoys for the use of tugs and their tows at the following points: (1) Approximately 1,500 yards northwest of Gibson Point Light and approximately 400 yards offshore from the low water mark on the Fox Island shore; (2) approximately 1,500 yards northwest of Hyde Point and approximately 400 yards offshore from the low water mark on McNeil Island shore; (3) and at a point midway between the north point of Gertrude Island and the northwest point of Still Harbor. Towboats will signal by radio, telephone or visual flag hoist as far in advance as possible of the time they enter the tow haven, such signals to be directed to the range instrument vessel to be located on the Fox Island side of Carr Inlet. The Navy shall promptly suspend operations when necessary to permit the access and egress of such tow traffic, and shall signal the tows when the area is clear.

(e) Through commercial traffic, including tows, to points within Carr Inlet. and through Carr Inlet, Pitt Passage and Hale Passage to adjacent waters will be permitted free access and egress, as follows: Such traffic will signal by radio, telephone or visual flag hoist as far in advance as possible of the time they enter the area, such signals to be directed to the range instrument vessel to be located on the Fox Island side of Carr Inlet. The Navy shall promptly suspend operations when necessary to permit the passage of such traffic, and the instrument vessel shall signal when the area is clear for passage.

penitentiary and his authorized representatives shall be permitted to operate within the area at any time, as may be necessary, for the patrol and search for escaped convicts.

(3) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, and such agencies as he may designate.

[Regs., May 12, 1953, 800.2121 (Puget Sound, Wash.)-ENGWO] (40 Stat. 200; 33 U. S. C. 1)

WM. E. BERGIN. [SEAL] Major General, U.S. Army, The Adjutant General.

[E. R. Doc. 53-4348; Filed, May 14, 1953; 8:54 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

> PART 1-GENERAL RULES AND REGULATIONS

COMMERCIAL AUTOMOBILES AND BUSSES

Paragraph (a) § 1.36, entitled Commercial automobiles and busses, is amended by inserting after the words "Grand Canyon," and before the word "Zion," in the first sentence the following language: "(except that portion of State Highway 64 from the Park South Entrance to Grand Canyon Headquarters and Village)"

(Sec. 3, 39 Stat. 535, as amended; 16 U.S. C. 3)

Issued this 9th day of May 1953.

DOUGLAS MCKAY, Secretary of the Interior.

[F. R. Doc. 53-4284; Filed, May 14, 1953; 8:46 a. m.]

PART 20-SPECIAL REGULATIONS GREAT SMOKY MOUNTAINS NATIONAL PARK: FISHING

Paragraph (d) entitled Fishing; size limits, and paragraph (e), entitled Fishing; limit of catch and in possession, of § 20.14, entitled Great Smoley Mountains National Park, are amended to read as follows:

(d) Fishing; size limits. No fish less than 7 inches long may be retained unless seriously injured in catching. All fish hooked less than such limit in length shall be carefully handled with moist hands and returned at once to the water

(f) The warden of the McNeil Island if not seriously injured. Undersized fish retained because seriously injured shall be counted in the number of fish which may be taken in one day.

(e) Fishing; limit of catch and m possession. The maximum catch in any one day, and the maximum number of trout in possession shall be seven. Maximum catch in one day, and maximum number of bass in possession shall be seven. Maximum creels of trout and bass together shall not exceed seven fish in one day or seven fish in possession at any time. There is no creel limit on other species.

(Sec. 3, 39 Stat. 535, an amended; 16 U.S. C. 3)

Issued this 9th day of May 1953.

DOUGLAS MCKAY. Secretary of the Interior

[F. R. Doc. 53-4283; Filed, May 14, 1953; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

> Subchapter S-Rights-of-Way [Circular 1844]

PART 244-RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOG-GING ROADS ON THE OREGON AND CALI-FORMA AND COOS BAY REVESTED LANDS

TERMS AND CONDITIONS

Paragraph (f) of § 244.9 is hereby amended to read as follows:

§ 244.9 Terms and conditions. * * * (f) To pay the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life. person, or property arising from the occupancy or use of the lands under the right-of-way, except that where a rightof-way is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages. (R. S. 101, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2. 1201)

> DOUGLAS McKAY, Secretary of the Interior.

MAY 9, 1953.

[F. R. Doc. 53-4285; Filed, May 14, 1953; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue I 26 CFR Part 477 I

RETURN AND PAYMENT OF CERTAIN EXCISE TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the

June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commis-Administrative Procedure Act, approved sioner of Internal Revenue, Washington

25, D. C., within the period of 30 days from the date of publication of this notice in the Federal Register. The proposed regulations are to be assued under the authority contained in sections 3310 (f) and 3791 of the Internal Revenue Code (63 Stat. 668; 53 Stat. 467; 26 U.S.C. 3310, 3791).

[SEAL] T. COLEMAN ANDREWS. Commissioner of Internal Revenue. The following regulations relating to section 3310, Internal Revenue Code, are hereby adopted:

Sec. 477.1 Statutory provisions. 477.2 Quarterly tax returns. 477.3 Filing of excise tax returns. 477.4 Payment of tax. 477.5 Effective date.

§ 477.1 Statutory provisions.

SEC. 3310. RETURNS AND PAYMENT OF TAX (INTERNAL REVENUE CODE, AS AMENDED BY SEC. 471 (b), REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(f) Discretion allowed Commissioner—(1) Returns and payment of tax. Notwithstandiny any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9, 9A, 10, 12, 19, 21, 30, 32, subchapter A of chapter 25, subchapter A of chapter 27A, or subchapter A of chapter 29, the Commissioner may by regulations approved by the Secretary prescribe the period for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

(2) Use of Government depositaries. The Secretary may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this title, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and

trust companies is to be treated as payment of such tax to the collector.

§ 477.2 Quarterly tax returns—(a) General rules. In rules and regulations applicable to the Bureau of Internal Revenue and in returns, notices, mimeographs, instructions, circulars, and any other forms or publications of whatever nature prescribed, furnished, or used in or by the Bureau of Internal Revenue with respect to the excise taxes and regulations listed in paragraph (b) of this section, the following rules shall, except as otherwise provided in § 477.3 (b) apply

(1) Reference to a month as the period for which a return must be filed shall, with respect to the return required for any period beginning on or after July 1, 1953, be deemed to refer to one quarter of a calendar year.

(2) Reference to a monthly return shall, with respect to the return required for any period beginning on or after July 1, 1953, be deemed to refer to a quarterly return.

(3) The term "quarter of a calendar year" as used herein; means a period of three calendar months ending on March 31, June 30, September 30, or December 31. The term "quarterly return" means a return for a quarter of a calendar year.

(b) Excise taxes and regulations subject to general rules. The excise taxes and regulations referred to in paragraph (a) of this section are as follows:

¹These regulations made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939.

§ 477.3 Filing of excise tax returns-(a) Quarterly returns. Except as otherwise provided in paragraph (b) of this section, every person required by any of the regulations listed in § 477.2 (b) to file a return and pay any of the excise taxes covered by such regulations shall make a tax return on Form 720 for the first calendar quarter beginning on or after July 1, 1953, in which falls a month for which such person would be required to file a return under such regulations were it not for the provisions of this part. and for each subsequent calendar quarter until he files a final return. A final return is not to be filed so long as the taxpayer continues the operation of any business or activity in which he may incur liability for any of the taxes reportable on Form 720. Form 720 shall be used in lieu of the form specified in the applicable regulations listed in § 477.2 Each quarterly return shall be filed on or before the last day of the first month following the period for which it is made. However, if, and only if, the

return is accompanied by depositary receipts (Form 537, Depositary Receipt for Federal Excise Taxes) showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the 10th day of the second month following the period for which it is made. For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank or by a Federal Reserve bank made on the reverse side of Form 537. Deposit of the taxes for the last month of the calendar quarter with a designated commercial bank or a Federal Reserve bank, as the case may be, may be made on or before the last day of the first month following the close of such quarter. If the last day for filing any return falls on Sunday or a legal holiday the return may be filed on the next following business day. If placed in the mails, the return shall be posted in ample time to reach the director of internal revenue for the taxpayer's

district, under ordinary handling of the mails, on or before the due date.

(b) Monthly returns. If the director of internal revenue determines that any taxpayer who is required to make deposit of taxes under the provisions of § 477.4 (c) has failed to make deposit of such taxes for the first or second month of any calendar quarter, such taxpayer shall be required, if so notified in writing by the director, to file a monthly return on Form 720 of the excise taxes listed in § 477.2 for the calendar month in which such notice is received from the director and for each subsequent calendar month until he files a final return or is again authorized to file quarterly returns. If the notice is received in the second or third month of a calendar quarter, the tax due for the prior month or months of the quarter shall be included in the first return filed pursuant to the notice. Each monthly return shall be filed not later than the last day of the month following the period for which it is made and shall be prepared in accordance with the instructions and regulations applicable to such return. If the director is satisfied that the taxpayer will comply with the depositary receipt requirements of § 477.4 (c), if again permitted to file quarterly returns, the taxpayer may file returns as provided in paragraph (a) of this section upon notification to that effect by the director.

§ 477.4 Payment of tax—(a) In general. The excise taxes listed in § 477.2 required to be reported on a return on Form 720 are due and payable to the director of internal revenue, without assessment by the Commissioner or notice by the director, at the time fixed for filing such return. Each quarterly return filed after June 30, 1953, pursuant to this part shall clearly show the identification number, if any, assigned to such taxpayer for depositary receipt purposes.

(b) Direct remittance to director Every person required to file a return and pay any of the excise taxes listed in § 477.2 shall include with his return direct remittance to the director of internal revenue for the total amount of such taxes, except that the provisions of paragraph (c) of this section shall apply if such person is required to file a quarterly return of such excise taxes and the total amount of all such taxes reportable by him exceeds \$100 for a calendar month.

(c) Use of Federal Reserve banks and authorized commercial banks required in connection with payment of taxes—(1) Payments for first two months of the calendar quarter If any person required to file a quarterly return and pay any of the excise taxes listed in § 477.2 has a total liability of more than \$100 for all such excise taxes reportable by him for a calendar month, the amount of tax reportable with respect to such calendar month shall be deposited by him with a Federal Reserve bank on or before the last day of the next succeeding calendar month. The remittance of such amount shall be accompanied with a Depositary Receipt for Federal Excise Taxes (Form 537) Such depositary receipt shall be prepared in accordance with the instructions and regulations applicable

thereto. The taxpayer, at his election, may forward such remittance, together with such depositary receipt, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the aforementioned taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the taxpayer. Every taxpayer making deposits pursuant to this section shall attach to his return for the calendar quarter with respect to which such deposits are made, in part or full payment of the taxes shown thereon, depositary receipts so validated, and shall pay to the director of internal revenue the balance, if any, of the taxes due for such quarter.

(2) Payments for last month of the calendar quarter With respect to payment of tax for the last month of the calendar quarter, the taxpayer may either include with his return direct remittance to the director of internal revenue for the amount of such taxes or attach to such return a depositary receipt validated by a Federal Reserve bank as provided in subparagraph (1) of this paragraph. Payment of the taxes required to be reported on the return, in the form of validated depositary receipts or direct remittances, shall be made to the director at the time fixed for filing such return. If a deposit is made for the last month of the quarter, the taxpayer shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the taxpayer so that it can be attached to and filed with the taxpayer's return at the time fixed for filing the return.

(3) Procurement of depositary receipt form. Initially, Form 537, Depositary Receipt for Federal Excise Taxes, will so far as possible be furnished the taxpayer by the director of internal revenue. A taxpayer not supplied with the proper form should make application therefor to the director in ample time to have such form available for use in making his initial deposit within the time prescribed in subparagraph (1) of this paragraph. Thereafter, a blank form will be sent to the taxpayer by the Federal Reserve bank when returning the validated depositary receipt. A taxpayer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of his identification number. The taxpayer's identification number and name. on each depositary receipt, should be the same as they are required to be shown on the return to be filed with the director. The address of the taxpayer, as shown on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

(4) Taxpayer's identification number. The taxpayer's identification number for the Depositary Receipt for Federal Excise Taxes, Form 587, shall be the same as the identification number, if any, assigned to the taxpayer for use in connection with depositary receipts required for other internal revenue taxes. If a taxpayer does not have an identification number, he should request the

assignment of such a number by the director of internal revenue for his district.

§ 477.5 Effective date. This part shall be effective on and after July 1, 1953.

[F. R. Doc. 53-4266; Filed, May 14, 1953; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 944]

[Docket No. AO-105-A10]

HANDLING OF MILK IN QUAD CITIES
MARKETHIG AREA

NOTICE OF RECOMMENDED DECISION AND OP-PORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S. C. 601 et sec.) hereinafter referred to as the "act." and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration. United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was conducted at Rock Island, Illinois, on January 22 and 23, 1953, pursuant to notice thereof which was issued on December 24, 1952 (18 F. R. 44)

The material issues of record related to:

- 1. Expansion of the marketing area to include Muscatine, Iowa, and Fulton,
- Illinois.

 2. Extension of the regulation to non-
- Grade A milk.

 3. Revision of the definition of pool plants.
- 4. Classifying all cheese, except cottage cheese, as Class III.
- 5. Incorporation of location adjustments at country plants.
- 6. The subtraction from Class I of non-fat solids used to fortify bottled skim milk.
- Allocating shrinkage between country plants and city plants.
- 8. Permitting handlers to make payments to producers through the market administrator.
- 9. Increasing the marketing service assessment.

10. Such other changes of an administrative nature as might be required by the adoption of the above amendments.

Findings and determinations. Upon the evidence contained in the hearing record, it has been found and concluded that no amendments should be issued for the reasons set forth below.

1. The marketing area should not be expanded to include the cities of Muscatine and Fulton.

While the city of Muscatine has on its books a Grade A ordinance which was adopted several years ago, this ordinance has never been applied. There are no handlers located in the city of Muscatine who dispose of Grade A milk. The only Grade A milk sold there originates in the Quad Cities, Dubuque, or Cedar Rapids-Iowa City marketing areas. Extension of the marketing area to include this territory, while restricting the application of the order to Grade A milk, would not be meaningful. For reasons discussed below it has been concluded that the order should not be extended to regulate receipts of non-Grade A milk.

In the event it were deemed desirable to regulate non-Grade A milk, the evidence would not justify the inclusion of Muscatine in the marketing area because of the adverse effect it would have on the dairy farmers who supply such milk for that city. Were the city of Muscatine added to the marketing area and non-Grade A milk regulated, the non-Grade A mill: received by plants operating in Muscatine would be regulated by the order. The evidence in the record, however, indicates that total receipts by the two plants in Muscatine are equal to less than 10 percent of the volume of non-Grade A milk regularly received by handlers subject to the Quad Cities order. The record further shows that farmers who supply the plants in Muscatine receive prices for their milk substantially higher than the Class II price provided in the Quad Cities order. If the milk received by Muscatine plants were to be pooled with the non-Grade A milk received by Quad cities handlers, the uniform price resulting would be substantially less than the price farmers supplying Muscatine now receive and no corresponding benefit would accrue to farmers on non-Grade A milk delivered at Quad Cities plants. It appears therefore that to add Muscatine to the marketing area and to regulate non-Grade A milk would very adversely affect one group of dairy farmers, while furnishing only slight benefits to the other group concerned. A similar proposal to extend the marketing area to include Muscatine was considered at the hearing conducted in May of 1951. At that time the proposal was denied for similar reasons. Apparently competitive conditions in Muscatine have not been such as to adversely affect the operations of Quad Cities handlers disposing of milk in Muscatine, for no such handler advocated the inclusion of Muscatine in the marketing area.

With respect to the proposal to include Fulton in the marketing area it appears that Fulton has no health ordinance which fixes requirements with which fluid milk must comply to be sold in the city. It appears also that there are no

handlers who are located within the corporate limits of Fulton. Milk is distributed in Fulton by Clinton handlers and by handlers from other communities of Illinois. While the geographical location of Fulton, which is contiguous to the city of Clinton, makes it appear that it might be a part of the natural marketing area of Clinton handlers, the evidence contained in the record concerning actual marketing conditions for milk in Fulton is insufficient to warrant its inclusion in the marketing area at this time.

2. The provisions of the marketing order should not be extended to the regulation and pricing of non-Grade A milk disposed of by plants within the marketing area.

All of the communities within the present marketing area have Grade A milk ordinances, and non-Grade A milk is not permitted to be bottled or sold by any handler now subject to the order. A substantial volume of non-Grade A milk, however, is regularly received by two of the cooperative associations and by at least one of the proprietary handlers in the Quad Cities. This milk is used exclusively for manufacturing. At least one of the handlers uses this milk primarily in Class II utilization. The two cooperative associations dispose of a portion of their receipts of non-Grade A milk to other handlers for utilization in Class II, and manufacture the remainder of it into Class III products in their own plants. Since that portion of the milk which must be utilized in Class III returns less than the Class II price, the prices which the 'cooperative associations are able to pay their member farmers who produce non-Grade A milk are somewhat less than the prices proprietary handlers are able to pay nonmember farmers for the non-Grade A milk which they receive and utilize in Class II products. The desire to effect an equalization of prices between the two groups of farmers led to the proposal to extend the scope of the order to the regulation of non-Grade A milk.

Until 2 years ago, all of the non-Grade A milk received by handlers was purchased through the cooperative associations. At that time non-Grade A milk was regulated and priced by the marketing order, since it had been a part of the regular supply produced for sale in fluid form in the marketing area. As soon as all of the communities, in the area required Grade A milk for fluid use and non-Grade A milk was no longer acceptable for sale in bottles, it was withdrawn from regulation under the order. Since then proprietary handlers have built up an additional supply of non-Grade A milk from farmers who are not members of the cooperative associations.

The largest user of non-Grade A milk in the market testified that he found it necessary to secure additional sources of supply because of the unwillingness of the associations to sell non-Grade A milk at the Class II price, except during the flush production months, and because of the inability of the associations to furnish a sufficient supply on a year around basis. This handler further testified that during the period in which

he had been building up his own supply, he had increased his purchases of non-Grade A milk from the cooperative associations.

While the existing situation may work a hardship on the cooperative associations and increase the difficulties of maintaining their membership among non-Grade A producers, it appears that it is a problem which should be solved outside the marketing order program. The marketing order is intended to regulate that milk which is produced for and eligible for distribution as fluid milk within the Quad Cities marketing area. To apply the regulation to such milk would be an extension of its scope beyond that necessary to provide an adequate supply of pure and wholesome milk for the marketing area.

As a part of the proposal to regulate non-Grade A milk, the proponents also supported a revision of the definition of "producer," the inclusion of a definition of "Grade A milk," and an extensive revision of those provisions of the order relating to the allocation of milk in a handler's plant and the computation of uniform prices. Since it has been concluded that non-Grade A milk should not be regulated, no consideration has been given to these proposals which would be necessary or desirable only in the event non-Grade A milk were regulated.

3. The cooperative associations proposed that the definition of "Pool Plant" be revised to enumerate qualifications to establish the association of a country plant with the market. Specifically it was proposed that such a plant, in addition to holding the necessary health approval, must dispose of at least 50 percent of its receipts as Class I milk to city bottling plants of handlers during the months of October, November and December, for its milk to be pooled during the following months.

It appears from the record that the associations are fearful that a plant which is primarily a manufacturing plant or a plant whose principal outlet for fluid milk is the deficit area in the South during the short production months, may seek an outlet in the Quad Cities to enhance its ability to pay higher prices to its farmers during the flush months when the bulk of its milk is utilized in manufactured products. The present order contains no performance requirements and a token shipment will qualify a plant, which otherwise meetsthe requirements of a pool plant, for participation in the market wide pool.

The proponents of the proposal, however, failed to submit evidence as to the procedure to be followed in the treatment of milk which might be disposed of in the area by a plant which failed to meet the proposed standards. Adoption of the definition as proposed would exempt such milk completely from the provisions of the order and would permit the free flow of unregulated milk in the market. The proponents indicated that they did not intend this result but were desirous of adding to the order a "pool plant" provision similar to that contained in the Chicago marketing order. Similar provisions are contained in several other marketing orders.

While it appears that such a provision would tend to prevent the development of conditions which might adversely affect the stability of the market, the evidence in the present record is too limited to warrant effecting such an amendment. Accordingly it must be concluded that no action be taken until a further hearing has been conducted and additional evidence on the proposal submitted.

4. The definitions of Class II and Class III milk should not be changed at this time to classify all cheese, other than cottage cheese, as Class III. The proponents of the amendment indicated that there are within the milkshed several Swiss Cheese plants which customarily purchase skim milk to standardize the milk used in making Swiss Cheese. They allege that because of the comparatively high price of skim milk in Class II, they have been at a disadvantage in disposing of skim milk to such outlets, particularly in competition with plants subject to the Chicago order. Reports of the market administrator show that recently the price of skim milk in Class II milk has been less than the price of skim milk in Class III. Unless the con-denseries whose paying prices are used ın determining Class II prices increase their prices substantially in relation to the market prices of butter and nonfat solids, this situation will continue for the remainder of the heavy production season. It appears therefore that adoption of the proposal would defeat the ends sought by the proponents and would aggravate rather than ease the maladjustment which they allege exists. 5. With respect to the proposal to pro-

vide location differentials at country plants, the evidence is too limited to warrrant amending the order at this time. At the present time there are two country plants supplying milk to the Quad Cities, one at Mount Carroll, Illinois, and the other at Strawberry Point, Iowa. With respect to the costs of handling and transporting milk from Strawberry Point, the record is silent. With respect to the Mount Carroll plant, the evidence indicates that the actual cost of moving the milk is 10 cents per hundredweight. The proponents, however, recommended a schedule of differentials that would approximate 4 cents at Mount Carroll. They argued that a greater differential would disturb intermarket relationships and might result in a diversion of milk from that plant to other markets whose milksheds are contiguous. At the present time the association which operates the plant is deducting 5 cents per hundredweight from producers on milk réceived at Mount Carroll to defray the cost of transporting that portion of the milk actually moved to the marketing area. It appears from the record that the total deductions are very slightly in excess of the amount required to transport to the market the portion of the milk required for fluid disposition.

Before any action is taken to fix location differentials in the order a much more comprehensive analysis should be made of the actual costs of moving milk to the market both from country plants and direct from producers' farms. Such a survey should also include a study of

the intermarket aspects of the problem, particularly a comparison of the net farm returns to producers shipping to country plants with those of producers similarly located who are shipping to other markets particularly, Chicago,

Dubuque, and Cedar Rapids.

6. The proposal to permit the subtraction of nonfat milk solids used to fortify other dairy products from the class in which they are used should be denied. The proposal in its original form was so general as to have made enforcement virtually impossible. As modified by the testimony of the proponents the proposal would be more restrictive but would still permit the liberal use of other source solids to the detriment of producers on the market. The proponents argued that when powder is used to fortify skim milk drinks the user is required by the health authority having jurisdiction over his plant to use powder which has been made from Grade A The record is silent as to the requirements of the other health departments in the area. The record further indicates that it is possible to use solids in other forms to fortify such milk drinks, and that the use of powder is a matter of convenience and availability to the proponent. Under the circumstances the proposal should be denied.

7. The proposal to allocate shrinkage between city and country plants on milk which is transferred in bulk from a country to a city plant should be denied at this time. While it appears logical that such a proration should be made, the evidence consists largely of argument between proponents and opponents as to the adequacy or accuracy of the butterfat testing at the two plants. Since it appears likely that a further hearing will be necessary to receive additional evidence on some of the proposals discussed above, action on this proposal should be postponed pending the receipt of further evidence at such hearing.

8. No action should be taken at this time with respect to the proposal to permit handlers to discharge their obligations to producers and cooperative associations by making payment to the market administrator of an amount equal to the total value of the milk received by such handlers from producers and cooperative associations. The order regulating the handling of milk in the Clinton, Iowa, marketing area contained such a provision, but it was dropped when the Clinton marketing area was merged with the Quad Cities marketing area on December 1, 1951. Clinton handlers are desirous that such a provision be placed in the order so that they can resume the practice which they followed under the Clinton order. Experience under the Clinton order indicated that the procedure was feasible and was highly satisfactory to both producers and handlers. Two of the cooperative associations under the Quad Cities order, however, are handlers and are paid class prices, rather than uniform prices for their milk. A further exploration of the advisability of limiting the proposal to cooperative associations which are not handlers appears desirable. Accordingly action on this proposal should also be postponed pending the receipt of further evidence at another hearing.

9. The evidence does not indicate the need for increasing the rate of the marketing service assessment from 6 cents to 8 cents. The cooperative associations, in supporting the proposal, indicated they feel the market administrator should furnish non-member producers with services identical to those furnished their own members by the cooperative associations. The services, however, which are given non-members by the market administrator are comparable to those furnished by the cooperative asso-

clations and adequately comply with the standards fixed by the order and the act. The market administrator presented no evidence to show that the present rate of assessment is insufficient to finance the marketing service functions of his office. Therefore, there appears to be no reason for an increase in the amount of the assessment.

10. In addition to the proposals discussed above, the notice of hearing contained a proposal to revise the definition of emergency milk. The handler who made the proposal abandoned it on the record, however, and no other person testified with regard to the matter; Hence, no consideration has been given to it. No proposals were made and no testimony offered in support of any substantive changes in the provisions of the order other than those discussed above.

Proposed findings and conclusions. Several briefs were filed on behalf of three of the producers' associations and one of the handlers in the market. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Filed at Washington, D. C., this 12th day of May 1953.

[SEAL] GEORGE A. DICE, Acting Assistant Administrator.

[F. R. Doc. 53-4322; Filed, May 14, 1953; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 6]

SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RE-SPECT TO COLLECTION OF SCIENTIFIC SPECIMENS

Paragraph (a) of section 13, entitled Collection of scientific specimens, of Order No. 3, approved May 16, 1952 (17 F R. 4720) is amended to read as follows:

SEC. 13. Collection of scientific specimens. (a) The Superintendents are authorized to permit the collection by Federal employees, for scientific or educational purposes, of specimens of invertebrate animals in areas under their jurisdiction where it is administratively determined that the collecting of such specimens will not be unduly detrimental to such areas and is desirable in the interest of science or education and will contribute to the conservation of the natural objects and the wildlife within the areas: Provided, That the requirement of Federal employment of otherwise qualified collectors need not be met for the scientific collection of insects and spiders.

(Secretary's Order No. 2640; 39 Stat. 535, 16 U.S.C., 1946 ed., sec. 2.)

Issued this 9th day of May 1953.

CONRAD L. WIRTH, Director.

Approved: May 9, 1953.

DOUGLAS MCKAY. Secretary of the Interior

[F. R. Doc. 53-4281; Filed, May 14, 1953; 8:45 a. m.1

Office of the Secretary

[Order 2115, Amdt. 1]

BORNEVILLE POWER ADMINISTRATION

DISPOSITION OF POWER FROM CERTAIN PROJECTS, AND RELATED MATTERS

a. Sections 1 and 2 of Order No. 2115 (10 F. R. 14211, 11 F. R. 8830, 17 F. R. 5197), as amended, are further amended to read as follows:

1. The Bonneville Power Administrator (hereinafter called the Administrator) is designated the marketing agent for the surplus energy of the Chandler Power Plant of the Kennewick Division, Yakima Project (authorized by the act of June 12, 1948, 62 Stat. 382) and of all projects, now or hereafter constructed in the drainage basin of the Columbia River and its tributaries and in such other river basins as drain into the Pacific Ocean in the States of Washington and Oregon, for which the Secretary of the 2832 NOTICES

Interior is authorized to market power pursuant to section 5 of the act of December 22, 1944 (58 Stat. 887) and section 2 of the act of March 2, 1945 (59 Stat. 10) The Administrator shall assume the duty of marketing such energy in addition to the marketing of surplus electric energy of the Bonneville Project as directed by the act of August 20, 1937 (50 Stat. 731) as amended, and the Grand Coulee and Hungry Horse projects, for which he has been heretofore designated as marketing agent. In view of the increased responsibilities of the Administrator, this order is issued to define and amplify existing policies and procedures and the relationships of the Administrator with the Department as set forth in applicable departmental orders establishing and defining such relationships and procedures which are reaffirmed without modification.

2. The Administrator is directed, to such extent and in such manner as in his judgment the public interest may require and as are consistent with applicable statutes and executive orders. (a) to integrate the power facilities of all projects for which he is the marketing agent of surplus power; provided that nothing in this order shall be construed as conferring authority over the operation of power producing facilities of such projects; (b) to interconnect such projects with publicly-owned power systems and to exchange electric energy with and purchase and sell electric energy from and to such systems; and (c) to sell and dispose of all electric energy in accordance with the policies of the act of August 20, 1937 (50 Stat. 731) as amended, and the act of December 22, 1944 (58 Stat. 887) and, with respect to the Columbia Basin Project and the Chandler Power Plant of the Kennewick Division, Yakıma Project, in accordance with the policies of the Federal Reclamation laws. The Administrator may exercise such of the powers and functions vested in the Secretary by any act governing the marketing of the surplus electric energy referred to in this order as may be necessary or appropriate for the marketing of such electric energy. In carrying out the integrated operation of the projects for which he is designated the marketing agent, the Administrator, through such employees as he may designate, may exercise any of the functions vested in him with respect to any project.

b. This Amendment No. 1 supersedes the amendments made by Order No. 2237 (11 F R. 8830) and Order No. 2663 (17 F R. 5197)

> DOUGLAS McKAY, Secretary of the Interior

May 8, 1953.

[F. R. Doc. 53-4282; Filed, May 14, 1953; 8:46 a. m.]

[Order 2640, Amdt. 4]

NATIONAL PARK SERVICE

DELEGATIONS OF AUTHORITY WITH RESPECT TO COLLECTION OF SCIENTIFIC SPECIMENS.

Section 15 of Order No. 2640, as amended, is amended to read as follows:

SEC. 15. Collection of scientific speci-The Director is authorized to permit the collection by Federal employees, for scientific or educational purposes, of specimens of animal life in areas administered by the National Park Service where it is administratively determined that the collecting of such specimens will not be unduly detrimental to such areas and is desirable in the interest of science or education and will contribute to the conservation of the natural objects and the wildlife within the area. Provided, That the requirement of Federal employment of otherwise qualified collectors need not be met for the scientific collection of insects and spiders.

(5 U. S. C., 1946 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950; 15 F. R. 3174.)

Issued this 9th day of May 1953.

Douglas McKay, Secretary of the Interior

[F. R. Doc. 53-4279; Filed, May 14, 1953; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5756, et al.]

STATES-ALASKA CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on May 25, 1953, at 10:00 a.m., e. d. s. t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Chief Examiner Francis W Brown.

Dated at Washington, D. C., May 12, 1953.

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 53-4321; Filed, May 14, 1953; 8:53 a. m.]

[Docket No. 6082]

NATIONAL AIRLINES, INC., COACH TARIFF.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of a coach fare between Miami and Philidelphia proposed by National Airlines, Inc.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on May 19 is hereby postponed to June 19, 1953, at 10:00 a. m., e. d. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, South of Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., May 12, 1953.

[SEAL] Francis W Brown, Chief Examiner.

[F. R. Doc. 53-4320; Filed, May 14, 1953; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES ATLANTIC & GULF-HAITI CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8120-1, between the member lines of the United States Atlantic & Gulf-Haiti Conference, modifies the basic agreement of that Conference (No. 8120) to provide (1) that not more than one agent shall be employed by any party at any one port or place and (2) that no party shall employ shippers or receivers of cargo or their employees or representatives as agents unless such employment is reported to the Conference in writing.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 12, 1953.

Daved: May 12, 1999.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS, Secretary.

[F R. Doc. 53-4299; Filed, May 14, 1953; 8:49 a. m.]

DEFENSE MATERIALS PROCURE-MENT AGENCY

[Delegation No. 26]

Administrator, General Services
Administration

DELEGATION OF AUTHORITY TO ADMINISTER CONTRACT DMP-40 BETWEEN THE UNITED STATES AND KENAI CHROME CO.

- 1. Pursuant to the authority vested in me as Acting Administrator, Defense Materials Procurement Agency, by Executive Order No. 10281, I hereby delegate to the Administrator of General Services the authority to administer fully the provisions of Contract No. DMP-40, between the United States of America and Kenai Chrome Company dated March 23, 1953, and to perform all acts required of the United States as a party to the contract.
- 2. The authority herein delegated shall be exercised in accordance with such policies as may be established from time to time by the Defense Materials Procurement Agency.
- 3. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration.

4. This delegation is effective as of the date hereof.

Dated: May 8, 1953.

Russell Forees, Acting Administrator Defense Materials Procurement Agency.

[F. R. Doc. 53-4298; Filed, May 14, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION CONCERNING ATTORNEYS' FEE

May 11, 1953.

The Commission having previously approved a plan of Electric Bond and Share Company ("Bond and Share") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") relating to the disposition by Bond and Share of any interest to be received by it as a result of the distribution by American Power & Light Company to its stockholders of its holdings of common stock of The Washington Water Power Company, and the Commission having in such proceedings reserved jurisdiction over fees and expenses; and

Simpson Thacher & Bartlett having rendered certain services to Bond and Share in such proceedings, and having represented that Bond and Share proposes to pay \$1,000 in payment for such services, subject to release of jurisdiction over such fee by this Commission; and

It appearing to the Commission that the fee so proposed to be paid by Bond and Share is not unreasonable, and that jurisdiction may appropriately be released to permit payment thereof:

It is hereby ordered, That jurisdiction be, and is hereby released with respect to the payment by Bond and Share of the sum of \$1,000 to Simpson Thacher & Bartlett as compensation for legal services in these proceedings.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-4287; Filed, May 14, 1953; 8:47 a. m.]

[File No. 54-203]

AMERICAN POWER & LIGHT CO.

ORDER RELEASING JURISDICTION CONCERNING
ATTORNEYS' FEE

MAY 11, 1953.

The Commission having previously approved a plan of American Power & Light Company ("American") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") providing for the disposition by American of its holdings of common stock of The Washington Water Power Company, and the Commission having in such proceedings reserved jurisdiction over fees and expenses; and

Simpson Thacher & Bartlett having rendered certain services to Electric Bond and Share Company ("Bond and Share"), former parent of American, in such proceedings, and having represented that Bond and Share proposes to pay \$2,500 in payment for such services, subject to release of jurisdiction over such fee by this Commission; and

It appearing to the Commission that the fee so proposed to be paid by Bond and Share is not unreasonable and that jurisdiction may appropriately be released to permit payment thereof:

It is hereby ordered, That jurisdiction be, and is hereby released with respect to the payment by Bond and Share of the sum of \$2,500 to Simpson Tracher & Bartlett as compensation for legal services in these proceedings.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-4288; Filed, May 14, 1953; 8:47 a. m.]

[File No. 70-3063]

American Natural Gas Co., and Michigan Consolidated Gas Co.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE BY A SUBSIDIARY OF COMMON STOCK TO ITS PARENT, AND PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE COMES

May 11, 1953.

Notice is hereby given that American Natural Gas Company ("American Natural") a registered holding company, and its public utility subsidiary, Michigan Consolidated") have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a) 7, 9 (a) 10 and 12 (f) thereof and Rules U-43 and U-50 promulgated thereunder as applicable to the proposed transactions

Notice is further given that any interested person may, not later than May 25, 1953, at 5:30 p.m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon, Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 25, 1953, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of the Commission for a statement of the transactions

therein proposed, which are summarized as follows:

Michigan Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$20,000,000 principal amount of First Mortgage Bonds, ... percent Series due 1978 (the "New Bonds").

The New Bonds will be dated June 15, 1953, will mature June 15, 1978, and will be issued under Michigan Consolidated's Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, as heretofore supplemented and as to be further supplemented by a Sixth Supplemental Indenture, to be dated as of June 15, 1953. The interest rate on the New Bonds (which shall be a multiple of oneeighth of one percent) and the price to be received by Michigan Consolidated for the New Bonds (which price, exclusive of accrued interest, shall be not less than 100 percent of the principal amount and not more than 102% percent of the principal amount) are to be determined by competitive bidding. The public offering price in case the New Bonds are purchased for distribution by the successful bidder or bidders therefor will be determined by such bidder or bidders.

Of the proceeds from the sale of the New Bonds, it is estimated that approximately \$5,000,000 representing the principal amount of New Bonds not issued in the first instance against net property additions, will be deposited with the Trustee under Michigan Consolidated's Indenture of Mortgage and Deed of Trust dated as of March 1, 1944, and will be held as a part of the trust estate pending withdrawal from time to time through the certification of unbonded net property additions.

At or prior to the issuance and sale of the New Bonds, Michigan Consolidated will issue and sell to American Natural 215,000 shares of common stock for cash in an amount equal to the par value thereof, namely \$14 per share, an aggregate of \$3,010,000. The authorized common stock of Michigan Consolidated consists of 4,500,000 shares of the par value of \$14 each, of which 4,260,000 shares are outstanding.

Michigan Consolidated intends to apply the proceeds from the sale of the New Bonds, exclusive of accrued interest thereon, and from the sale of the additional shares of common stock to the payment of short term bank borrowings incurred for construction purposes and unpaid at the consummation of the proposed financing in the estimated amount of \$7,400,000, to the payment of expenses incident to the issuance and sale of the New Bonds and additional shares of common stock, and to provide funds for expansion of facilities and to reimburse Michigan Consolidated's treasury for expenditures made for such purpose.

The application-declaration states that the issuance and sale of the New Bonds and additional shares of common stock of Michigan Consolidated are subject to authorization by the Michigan Public Service Commission, that an application requesting such authorization has been filed with that Commission and that the order issued thereon will be supplied as an exhibit in this proceeding when issued.

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It is requested that any order entered by the Commission herein become effective upon issuance.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-4286; Filed, May 14, 1953; 8:46 a. m.]

ARTHUR FELS BOND & MORTGAGE CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Arthur Fels Bond & Mortgage Company, 1004 Grand Avenue, Kansas City, Missouri.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of May 1953.

I. The Commission's public official files disclose that Arthur Fels Bond & Mortgage Company, a Missouri corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1952, as required by section 17 (a) of the Securities Exchange Act of 1934, and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true:

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 12th day of June 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by

the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 5, 1953. Upon completion of any such hearing in this matter the Hearing sexaminer shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 12, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-4293; Flied, May 14, 1953; 8:48 a. m.]

Bruce L. Henman

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Bruce L. Henman, Box 175, R. R. #2, Olney, Illinois.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of May 1953.

I. The Commission's public official files disclose that Bruce L. Henman, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made, a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

registration of registrant; and
(d) Whether, pursuant to section 15
(b) of the Securities Exchange Act of
1934, pending final determination, it is
necessary or appropriate in the public
interest or for the protection of investors to suspend the registration of
registrant.

V It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 12th day of June 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 5, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 12, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of

¹ Filed as part of original document.

the section delaying the effective date of Room Clerk in Room 193, North Buildany final Commission action. Room Clerk in Room 193, North Building, will advise the parties and the Hear-

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-4292; Filed, May 14, 1953; 8:48 a. m.]

E. M. JACOBSON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Edward M. Jacobson, doing business as E. M. Jacobson, Ray, North Dakota.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of May 1953.

I. The Commission's public official files disclose that Edward M. Jacobson, doing business as E. M. Jacobson, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 12th day of June 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing

Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 5, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 12, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary,

[F. R. Doc. 53-4289; Filed, May 14, 1953; 8:47 a. m.]

LUCE & Co.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Glyness B. Luce doing business as Luce & Company, 37 Bancroft Street, Portland, Maine.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of May 1953.

I. The Commission's public official files disclose that Glyness B. Luce, doing business as Luce & Company, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949 through 1952, as required by section 17 (a) of the

Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 12th day of June 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 5, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the Federal Register not later than fifteen (15) days prior to June 12, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not

Filed as part of original document.

deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 58-4291; Filed, May 14, 1953; 8:48 a. m.]

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FRANK WESLEY ROE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Frank Wesley Roe, 1122 Hazel Street, Texarkana, Texas.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of May 1953.

I. The Commission's public official files disclose that Frank Wesley Roe, a sole-proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1951 or 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 o (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 12th day of June 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Build-

ing, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 5, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 12, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-4290; Filed, May 14, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28063]

PETROLEUM PRODUCTS FROM CHAISON, TEX., TO SOUTHWEST

APPLICATION FOR RELIEF

May 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum and products, carloads.

From: Chaison, Tex.

To: Points in Arkansas, Kansas, Louisiana, Oklahoma, Texas, New Mexico, and southern Missouri.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585, Supp. 544.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Acting Secretary.

[F. R. Doc. 53-4300; Filed, May 14, 1953; 8:49 a. m.]

[4th Sec. Application 28064]
CLAY FROM GEORGIA TO TEXAS
APPLICATION FOR RELIEF

May 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Clay, carloads. From: Points in Georgia.

To: Houston, Tex., and points grouped therewith.

Grounds for relief: Rail competition, circuitous routes, additional origins and routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3899, Supp. 140.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Acting Secretary,

[F. R. Doc. 53-4301; Filed, May 14, 1953; 8:49 a. m.]

¹ Filed as part of original document.

[4th Sec. Application 28065]

STEEL OR WROUGHT IRON PIPE FROM WAYNESBURG, PA., COVINGTON AND NEW-PORT, KY., AND CINCINNATI, OHIO, TO West Monroe, La.

APPLICATION FOR RELIEF

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Steel or

wrought iron pipe and related articles, in carloads.

From: Waynesburg, Pa., Covington, Ky., Newport, Ky., and Cincinnati, Ohio. To: West Monroe, La.

Grounds for relief: Rail competition. circuity, grouping, additional routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3982, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD. Acting Secretary.

[F. R. Doc. 53-4302; Filed, May 14, 1953; 8:50 a. m.]

[4th Sec. Application 28066]

STEEL OR WROUGHT IRON PIPE FROM CATASAUQUA, PA., AND ELMIRA, N. Y., TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Steel wrought iron pipe and related articles, carloads.

From: Catasauqua, Pa., and Elmira, N. Y.,

To: Points in southwestern territory. Grounds for relief: Rail competition, circuity, grouping, additional routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C.

No. 3982, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-4303; Filed, May 14, 1953; 8:50 a. m.]

[4th Sec. Application 28067]

GRAIN FROM LAHOMA, OKLA., TO TEXAS

APPLICATION FOR RELIEF.

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Lahoma, Okla.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No.

3941, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD. Acting Secretary.

[F. R. Doc. 53-4304; Filed, May 14, 1953; 8:50 a. m.]

[4th Sec. Application 28068]

FERTILIZER AND FERTILIZER COMPOUNDS FROM ARKANSAS AND TEXAS TO VIRGINIA

APPLICATION FOR RELIEF

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Fertilizer and fertilizer compounds, carloads.

From: Little Rock and North Little Rock, Ark., and Houston, Tex.

To: Norfolk, Newport News, Ports-

mouth, and Windsor, Va.
Grounds for relief: Rail and market

competition, circuity, and additional origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C.

No. 3746, Supp. 114.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-4305; Filed, May 14, 1953; 8:50 a. m.]

[4th Sec. Application 28069]

AUTOMOBILE BODIES AND PARTS FROM OFFICIAL AND ILLINOIS TERRITORIES TO JUNEAU, N. C.

APPLICATION FOR RELIEF

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

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Filed by L. C. Schuldt, Agent, for carriers parties to schedules listed below.

Commodities involved: Automobile bodies or seat cabs, or parts, also automobile parts, carloads.

From: Points in official and Illinois territory.

To: Juneau, N. C.

Grounds for relief: Rail competition, circuitous routes, and to maintain

grouping.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4510, Supp. 19. C. W. Boin, Agent, I. C. C. No. A-968, Supp. 8. R. G. Raasch, Agent, I. C. C. No. 741, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

F. R. Doc, 53-4306; Filed, May 14, 1953; 8:50 a. m.]

[4th Sec. Application 28070]

SCRAP TOBACCO FROM VERSAILLES, OHIO, TO TAMPA, FLA.

APPLICATION FOR RELIEF

May 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to schedule listed below. Commodities involved: Tobacco, un-

manufactured scrap, carloads.

From: Versailles, Ohio.

To: Tampa, Fla.

Grounds for relief: Rail and motor competition.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4510, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Acting Secretary.

[F. R. Doc. 53-4307; Filed, May 14, 1953; 8:50 a. m.]

[4th Sec. Application 28071]

FLY ASH FROM LOUISVILLE, KY., TO ELK CITY, OKLA.

APPLICATION FOR RELIEF

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Fly ash, car-

loads.

From: Louisville, Ky.

To: Elk City, Okla.

Grounds for relief: Rail competition, circuitous routes, and additional routes. Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No.

3919, Supp. 164.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to

investigate and determine the matters mvolved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Acting Secretary.

[F. R. Doc. 53-4308; Filed, May 14, 1953; 8:51 a. m.]

[4th Sec. Application 28072]

Woodpulp From Southern Territory to Dundee, N. J.

APPLICATION FOR RELIEF

MAY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Woodpulp,

carloads.

From: Points in southern territory.

To: Dundee, N. J.

Grounds for relief: Rail competition, additional destination, circuity, grouping, and to apply rates constructed on basis of the short line distance formula,

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No.

1260, Supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission,

[SEAL]

GEORGE W LAIRD, Acting Secretary.

[F. R. Doc. 53-4309; Filed, May 14, 1953; 8:51 a. m.]